

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 32767 of 2021 (O&M)
Date of Decision: 07.12.2021

Ajay Kumar and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Ms. Zeenia Nagpal, Advocate for
Mr. Shrey Vasudev, Advocate
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Amar Vivek Aggarwal, Advocate
for respondents No. 2 to 5.

SURESHWAR THAKUR, J. (ORAL)

(Through video conferencing)

1. Through the instant petition, under Section 482 Cr.P.C., the petitioners seek quashing of cross case arising out of FIR No. 66 dated 29.3.2021 registered at Police Station Fatehgarh Sahib, constituting therein offences, under Sections 341, 323, 506, 148, 149 IPC, arising out of a complaint dated 6.4.2021 (Annexure P-2), filed by respondent No. 4, and, also of all the consequential proceedings arising therefrom, hence on the basis of compromise dated 9.6.2021 (Annexure P-3), arrived at between the parties.

2. The learned State counsel, on instructions meted to him by ASI Darshan Kumar, submits, that the report under Section 173 Cr.P.C., has yet

not been filed.

3. When the instant petition came up before this Court on 18.8.2021, an order was made upon the learned Magistrate concerned, to make a report to this Court, with respect to the genuineness of the compromise, as also qua the number of accused arraigned in the FIR, and, qua how many have appeared before him, besides making their respective statements, and, as also whether any person has been declared proclaimed offender, and, that whether any other criminal case, is pending against the accused.

4. The afore made order by this Court on 18.8.2021, has been complied with by the learned Magistrate concerned, and, the elicited report has been placed on record. A perusal of the report, transmitted to this Court, by the learned Magistrate concerned, reveals that the settlement/compromise, arrived at *inter se* the petitioners, and, respondents No. 2 to 5, is a sequel of both, being *ad idem* qua it, besides the compromise/settlement being a sequel of no pressure or coercion, being exercised upon each other. Therefore, the learned Magistrate has reported that the settlement/compromise, depended upon by the petitioners, for seeking quashing of the the cross case (*supra*), is both voluntary, and, genuine.

5. Since, the offences carried in the cross version, are compoundable, and, also when a valid compromise has been entered into, *inter se*, the accused petitioners, and, the respondent(s)-complainant/injured, besides when the learned State Counsel has stated that the challan has yet not been filed. Therefore, this Court deems it fit to allow the petition.

6. Consequently, the present petition is allowed, and, the

cross version (supra), arising out of the FIR (supra), and, also all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SURESHWAR THAKUR)
JUDGE

December 07, 2021
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : Yes/No