

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 3905 of 2021 (O&M)
Date of Decision: 10.1.2022

Pawan Kumar and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Nitin Jain, Advocate
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

Ms. Tarannum, Cheema, Advocate
for respondent No. 2.

SURESHWAR THAKUR, J. (ORAL)

(Through video conferencing)

1. Through the instant petition, filed under Section 482 Cr.P.C., the petitioners seek quashing of FIR No. 40 dated 17.3.2019 registered at Police Station Urban Estate Patiala, constituting therein offences, under Sections 420, and, 120-B IPC, and, also of all the consequential proceedings arising therefrom, hence on the basis of compromise dated 25.11.2019 (Annexure P-2), arrived at between the parties.

2. The learned State counsel, on instructions from ASI Sawarn Singh, 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 08.4.2021, an order was made upon the learned Magistrate concerned, to

make a report to this Court, with respect to the veracity of the compromise, as also whether any person(s) has/have been nominated as accused, and, as also whether any person has been declared a proclaimed offender.

4. The afore made order by this Court on 08.4.2021, 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, the respondent No. 2, 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 FIR (supra), is both voluntary, and, genuine.

5. Since, the offence(s) carried in the FIR (supra), are compoundable, and, also when a valid compromise has been entered into, *inter se*, the accused petitioners, and, the respondent(s)-complainant, 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 FIR (supra), and, also all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SURESHWAR THAKUR)
JUDGE

January 01, 2022
Gurpreet

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