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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-8953-2021

Date of decision:20.05.2022

BARINDER SINGH @ BARINDER SINGH GAHLON

...Petitioner

Versus

THE STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Amritpal Singh, Advocate for
Mr. K.S. Lakhanpal, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab

Mr. Lakhwinder Singh, Advocate
for respondent No.2-complainant.

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner by filing the present petition under Section 482 Cr.P.C., is seeking quashing of FIR No.127, dated 11.09.2020, under Section 420 of IPC, lodged at Police Station Haryana, District Hoshiarpur, and, also of all subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-3) arrived at between the parties.

2. When the instant petition came up before this Court, on 25.02.2021, an order was made upon the learned Magistrate concerned, to make a report to this Court, with respect to the genuineness of the afore compromise, and, also in respect of antecedental criminal activity of the accused, and, besides with regard to the total number of accused involved in the case, and, his/their status of being proclaimed offender/ person. The afore order, makes it apparent that the petitioner, had depended, upon, a compromise/settlement, arrived at, in respect of the FIR (supra) with the complainant-respondent(s).

3. The afore made order by this Court on 25.02.2021, 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 petitioner, and, complainant-respondent(s), 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. Moreover, the compromise is compositely drawn, and, thereons exist the signatures of all concerned, in the penal transactions concerned. Therefore, the learned Magistrate has reported that the settlement / compromise, depended upon, by the petitioner, for seeking the quashing of the FIR (supra), is both voluntary, and, also free from vices of duress, and, or of compulsion, being exercised upon each other, besides is genuine.

4. Since, the offence carried in the FIR (supra), is compoundable, and, also when a valid compromise has been entered into, *inter-se*, the accused petitioner, and, the respondent(s)-complainant, besides when the learned State Counsel has stated on instructions meted to him, that the challan/report under Section 173 Cr.P.C., has yet not been filed before the learned Magistrate concerned. Therefore, this Court deems it fit to allow the petition.

5. Consequently, the present petition is allowed, and, the FIR (supra), and, also all subsequent proceedings arising therefrom, are quashed only *qua* the petitioner.

(SURESHWAR THAKUR)
JUDGE

20.05.2022

Ithlesh

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No