

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9846-2021

Date of decision : 22.08.2022

Kharak Singh

..... Petitioner

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Varun Dhawan, Advocate
for the petitioner.

Mr. Pankaj Khullar, AAG, Punjab.

Mr. Parveen Sharma, Advocate
for respondent No.2.

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioner is seeking quashing of FIR No.34 dated 05.04.2016 registered under Section 420 IPC at Police Station Kot Ise Khan, District Moga, on the basis of compromise deed dated 21.10.2020 (Annexure P-2).

On 03.03.2021, the following order was passed:-

“Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Prayer in the petition under Section 482 Cr.P.C. is for quashing of FIR No.34 dated 05.04.2016, registered under Sections 420 IPC, 1860, at Police Station Kot Isha Khan, District Moga, along with all consequential proceedings emanating therefrom, on the basis of compromise, Annexure P/2 dated 21.10.2020 as well as the decision of Hon’ble the Full Bench of this Court in Kulwinder Singh and Ors. Vs. State of Punjab and Anr., 2007 (3)

RCR (Criminal) 1052.

Notice of motion.

Mr. Hittan Nehra, Addl. AG, Punjab, accepts notice on behalf of respondent No. 1 and states that he does not wish to file reply in view of amicable settlement of the dispute amongst the parties vide compromise, Annexure P/2 dated 21.10.2020, as well as the judgment cited by the learned counsel for the petitioner.

Mr. Parveen Sharma, Advocate puts in appearance and accepts notice on behalf of respondent No.2 and states that he has no objection, if the aforementioned FIR and all consequential proceedings emanating therefrom are quashed in view of compromise, Annexure P/2 dated 21.10.2020 as well as the judgment cited by the learned counsel for the petitioner.

Accordingly, in view of the position as noted above, the parties are directed to put in appearance before the learned Illaqa Magistrate/ Duty Magistrate concerned for recording of their statements in terms of compromise, Annexure P/2 dated 21.10.2020 on 01.04.2021 or any other date thereafter, convenient to the learned Illaqa Magistrate/ Duty Magistrate concerned.

Report regarding genuineness of the compromise as also whether any other person(s) has/ have been nominated as accused and whether any person(s) has / have been declared proclaimed offender, whether challan has been filed, whether there is any cross case etc. be filed before this Court by the next date.

List on 23.04.2021.

Reply, if any, be filed in the meantime.”

Pursuant to the aforesaid order, report from JMIC, Moga dated 07.04.2021 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“xx xx xx

As desired by the Hon'ble High Court the point wise report is submitted below:-”

1. The compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.
2. In this case, no other accused has been nominated in the FIR, except the present petitioner namely Kharak Singh.
3. As per record, no accused person has been declared as Proclaimed Offender in this case.
4. The challan has been presented in the present case and the case is fixed for prosecution evidence.
5. As per record, no cross case between the parties is pending in the Court.”

Mr. Parveen Sharma, Advocate appears for respondent No.2, admits the fact of parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against the petitioner are quashed.

Similarly, learned State counsel has stated no objection in case the FIR is quashed based upon the compromise entered between the parties.

Keeping in view the fact that offences punishable under Section 420 IPC under which the petitioner has been booked are compoundable and compromise has been effected, the present petition is

allowed. FIR No.34 dated 05.04.2016 registered under Section 420 IPC at Police Station Kot Ise Khan, District Moga and all proceedings subsequent thereto are hereby quashed.

(PANKAJ JAIN)
JUDGE

22.08.2022
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No