

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

CRM-M-9077-2022

Date of decision : 31.08.2022

Jai Brar @ Jaikaran Singh Brar and others

....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Mohd. Jameel, Advocate
for the petitioners.

Mr. Madhur Sharma, AAG, Punjab
for respondent No.1/State.

Mr. Himanshu Chhabra, Advocate
for respondent No.2.

PANKAJ JAIN, J. (ORAL)

The petitioners have approached this Court seeking quashing of FIR No.450 dated 27.12.2021, registered for the offences punishable under Sections 420, 120-B of the Indian Penal Code, 1860, at Police Station Division No.5, District Police Commissionerate, Ludhiana (Annexure P-1) on the basis of Compromise Deed dated 06.01.2022/03.02.2022 (Anneuxre P-2) .

2. On 03.03.2022, the following order was passed :-

“Present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 450 dated 27.12.2021, under Sections 420, 120-B IPC, registered at Police Station Division No.5, District Police Commissionerate, Ludhiana and

subsequent proceedings arising therefrom on the basis of compromise.

Notice of motion.

Mr. R.S. Khaira, AAG, Punjab and Mr. Nafees Ahmed Khan, Advocate accepts notice on behalf of respondents No. 1 and 2 respectively.

Parties may appear before concerned Illaqa Magistrate/trial Court on 27.04.2022 or on any other date convenient to the said Court and get their statements recorded with regard to the compromise. The original compromise shall be produced before the trial Court. In the event of their statements being recorded, the Court will send copies of the same to this Court before the next date of hearing along with its report:

- i) regarding genuineness and voluntary nature of the compromise;
- ii) whether all the accused/petitioners are appearing before the Court or are on bail; and
- iii) whether any other proceeding is pending against the accused/petitioners.

Adjourned to 30.05.2022.”

3. Pursuant to the aforesaid order, report has been received from Additional Chief Judicial Magistrate, Ludhiana, who has reported as under :-

- (i) Compromise effected between the complainant and accused persons is genuine, voluntary and without any coercion or undue influence.
- (ii) Accused are not appearing in this case as challan has not been presented till date and matter is under investigation. However, accused appeared today before this court only for recording their statements and their arrest has been stayed

vide orders dated 20.04.2022 passed by the court of Ms. Rashmi Sharma, Ld. Additional Sessions Judge, Ludhiana.

(iii) Neither any proceedings have been initiated nor any proceedings are pending against any of the accused persons”

4. Learned counsel appearing for respondents No.2 admits the fact of the parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against the present petitioners are quashed.

5. Similarly, learned Assistant Advocate General, Punjab has stated no objection in case the FIR is quashed based upon the compromise (Annexure P-2).

6. Keeping in view the aforesaid facts, the present petition is allowed. FIR No.450 dated 27.12.2021, registered for the offences punishable under Sections 420, 120-B of the Indian Penal Code, 1860, at Police Station Division No.5, District Police Commissionerate, Ludhiana (Annexure P-1) and all proceedings subsequent thereto are hereby quashed *qua* the present petitioners.

August 31, 2022
Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No