

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 12793 of 2022

Date of Decision: 24.5.2022

Malkit Kaur and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. K.S.Brar, Advocate
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Shadab Ahmed, Advocate for respondent No. 2.

SURESHWAR THAKUR, J. (ORAL)

1. Through the instant petition, filed under Section 482 Cr.P.C., the petitioners seek quashing of FIR No. 52 dated 15.6.2021 registered at Police Station Joga, District Mansa, constituting therein offences, under Sections 420, 406 IPC, and, also of all the consequential proceedings arising therefrom, hence on the basis of compromise dated 22.12.2021 (Annexure P-2), arrived at between the parties.

2. When the instant petition came up before this Court on 28.3.2022, 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 and, also with respect to the following:-

- “(1) Number of persons arrayed as accused in FIR.
- (2) Whether any accused is proclaimed offender.
- (3) Whether the compromise is genuine, voluntary and without any coercion or undue influence.
- (4) Whether the accused persons are involved in any other case or not.
- (5) Whether all the parties named in the FIR have made their statement regarding the compromise.
- (6) Current stage of the case.”

3. The afore made order by this Court on 28.3.2022, 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.

4. The learned counsel for the petitioners as well as the learned counsel for respondents No. 2 have stated at the bar, that all concerned have signed the compromise deed.

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 investigations into the FIR (supra) are still underway, and, a report under Section 173 Cr.P.C., is yet to be 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

May 24, 2022
Gurpreet

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