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

**CRM-19516-2022 IN/AND
CRM-M-15614-2022
Date of decision: 27.05.2022**

SURINDER KUMAR @ BITTU

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Manoj R. Sharma, Advocate
for the petitioner.

Mr. A.A. Pathak, Addl. A.G Punjab

Mr. Shiv Kumar Rana, Advocate for
Mr. Sandeep Sharma, Advocate
for respondent No.2-complainant.

SURESHWAR THAKUR, J. (ORAL)**CRM-19516-2022**

The present application has been filed for preponing the date of hearing of main case from 11.07.2022 to some earlier date.

For the good, and, valid reasons recorded in the application, the application is allowed. Main case is taken up today.

CRM-M-15614-2022

1. The petitioner by filing the present petition under Section 482 Cr.P.C., is seeking quashing of FIR No.54, dated 12.04.2019, under Sections 420, 406, 120-B of IPC, lodged at Police Station City Batala, District Gurdaspur, and, also of all subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-2) arrived at between the parties.

2. When the instant petition came up before this Court, on 18.04.2022, 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 18.04.2022, 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 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. 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. Learned State counsel submits, that since no embezzlement has occurred from the government treasury or from government funds, therefore, when offences, both under Sections 420, and, 406 of IPC are compoundable with the leave of the Court.

5. Since, the offences carried in the FIR (supra), are 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.

6. 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

27.05.2022

Ithlesh

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No