

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

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**CRM-M-18061-2022
Decided on : 08.08.2022**

Gian Chand and another

. . . Petitioner(s)

Versus

State of Punjab and another

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

PRESENT: Mr. Manpreet Singh Dua, Advocate
for the petitioner(s).

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Prabhjot Singh, Advocate
for respondent No.2.

SURESHWAR THAKUR, J. (Oral)

1. Through the instant petition, filed under Section 482 of the Cr.P.C., the petitioners seek quashing of cross case Rapat No.031, dated 01.04.2022, under Sections 323/34 of IPC, lodged at Police Station City Jalalabad, District Fazilka, in FIR No.0036, dated 31.03.2022, under Sections 452, 323, 148, 149 of IPC, lodged at Police Station City Jalalabad, District Fazilka, and, also of all consequential proceedings arising therefrom, hence on the basis of compromise (Annexure P-3), arrived at between the parties.

2. When the instant petition came up before this Court, on 29.04.2022, 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 cross case rapat in FIR (supra) with the

complainant-respondent(s).

3. The afore made order by this Court on 29.04.2022, 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 cross case rapat in 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 offences carried in the cross case rapat in 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.

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

(SURESHWAR THAKUR)
JUDGE

August 08, 2022

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No