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

CRM-M-22023-2022 (O&M)

Date of decision : 24.08.2022

Nirmal Singh

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Sarabjit Singh, Advocate
for the petitioner.

Mr. Mohinder S. Joshi, Addl. Advocate General, Punjab
for respondent No.1/State.

Mr. Gurjinder S. Thind, Advocate
for respondents No.2 and 3.

PANKAJ JAIN, J. (ORAL)

The petitioner has approached this Court seeking quashing of the case FIR No.230 dated 16.10.2020 registered for the offences punishable under Section 420 of the Indian Penal Code, 1860, and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014, at Police Station Lohian, District Jalandhar (Rural) (Annexure P-1) on the basis of compromise dated 01.04.2021 (Anneuxre P-2).

2. On 20.05.2022, the following order was passed: -

“By filing this petition, quashing of FIR No.230 dated 16.10.2020 under Section 420 IPC and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014 registered at P.S Lohian District Jalandhar (Rural) and all other consequent proceedings arising therefrom has been sought on the basis of

compromise.

Notice of motion.

Mr. B.S. Sewak, Addl.AG, Punjab and Sh. G.S. Thind, Advocate accept notice on behalf of respondent No.1-State and respondent Nos.2 & 3 respectively.

Parties may appear before concerned Illaqa/Duty Magistrate on 31.05.2022 or on any other date convenient to Illaqa/Duty Magistrate and get their statements recorded with regard to the compromise. The original compromise shall be produced before Illaqa/Duty Magistrate. In the event of their statements being recorded, Illaqa/Duty Magistrate will send copies of the same to this Court before the next date of hearing along with his 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 24.08.2022.”

3. Pursuant to the aforesaid order, report has been received from Judicial Magistrate 1st Class, Nakodar, who has reported as under :

"1. The compromise effected between the parties is genuine, voluntary, without any coercion without any undue influence and the same has been effected with free will and consent of the parties.

2. As per the statement of Investigating Officer the present accused is on anticipatory bail as per the order of Hon'ble Punjab and Haryana High Court dated 30.05.2022 and the accused has joined the investigation on 08.06.2022.

The accused also appeared before the court on 13.06.2022.

3 As per the statement of IO no other proceedings is pending against the accused/petitioner in the present case."

4 . Learned counsel appearing for respondents No.2 and 3 admits the fact of the parties having compromised and states that he has no objection in case the FIR and all subsequent proceedings thereto against the present petitioner are quashed.

5. Similarly, learned Additional 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.230 dated 16.10.2020 registered for the offences punishable under Section 420 of the Indian Penal Code, 1860, and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014, at Police Station Lohian, District Jalandhar (Rural) (Annexure P-1) and all proceedings subsequent thereto are hereby quashed *qua* the petitioner.

August 24, 2022
Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No