

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

CRM-M-25267-2022

Date of decision : 31.08.2022

Raj Kumar and another

....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Kanav Bansal, Advocate
for the petitioner.

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

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

PANKAJ JAIN, J. (ORAL)

The petitioners have approached this Court seeking quashing of FIR No.102 dated 29.10.2016, registered for the offences punishable under Sections 420 and 406 of the Indian Penal Code, 1860, at Police Station Bareta, District Mansa (Annexure P-1) on the basis of compromise dated 16.05.2022 (Annexure P-2) .

2. On 02.06.2022, the following order was passed :-

“Instant petition has been filed for seeking quashing of FIR No.102 dated 29.10.2016 under Sections 420 and 406 of the IPC registered at Police Station Bareta, District Mansa and all consequential proceedings arising therefrom on the basis of compromise dated 16.05.2022 (Annexure P-2).

Notice of motion.

Mr. Karanbir Singh, AAG Punjab appears and accepts notice on behalf of respondent-State.

Power of attorney of Mr. Rajbir Singh, Advocate has been filed on on behalf of respondent No.2. Same is taken on record. Counsel appearing for respondent No.2 admits the execution of the compromise effected between the parties.

The parties are directed to appear before the Illaqa Magistrate/Trial Court on 06.07.2022 or any other date convenient to the Illaqa Magistrate/Trial Court for recording their statements as to genuineness of the compromise executed between the parties.

The Illaqa Magistrate/trial Court is directed to submit a report along with copies of statements of parties on or before the next date of hearing containing the following information as well:-

- (i) Number of persons arrayed as accused in FIR;
- (ii) Whether any accused is proclaimed offender;
- (iii) The stage of trial/proceedings;
- (iv) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.
- (v) Whether the compromise has been effected with all accused persons and with all the complainant/injured.

To come up for further consideration on 31.08.2022.

Response, if any, may also be filed by the State on or before the adjourned date. ”

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

- (i) “As per statement of IO of the case and complainant, four persons namely Raj Kumar, Kamlesh Kumar, Rano Devi and Kanva Goyal have been arrayed as accused in the present

FIR and later on accused Parveen Kumar was nominated.

ii) As per statement of IO and accused, none of accused has been declared as proclaimed person.

iii) As per report of Ahlmad, challan has been presented but due to quashing petition filed by accused persons namely Rano Devi, Kanva Goyal, Raj Kumar, proceedings have been stayed by the Hon'ble Punjab & Haryana High Court and now case is fixed for awaiting for further orders from the Hon'ble Punjab & Haryana High Court.

iv) From the aforesaid statements of the effected parties, it apparently appears that the parties have voluntarily entered into the compromise between themselves and have settled the matter amicably. Compromise is genuine, without any kind of undue influence or pressure and out of free will of the parties.

v) As per statements of parties, compromise has been effected between complainant Renu Bala and accused Raj Kumar & Kanva Goyal only.”

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.102 dated 29.10.2016, registered for the offences punishable under Sections 420 and 406 of the Indian Penal Code, 1860, at

Police Station Bareta, District Mansa (Annexure P-1) and all proceedings subsequent thereto are hereby quashed *qua* the present petitioners.

August 31, 2022			(PANKAJ JAIN)
Dpr			JUDGE
	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No