

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

245

CRM-M-28203 of 2019
Date of decision:20.04.2022

Kunwar Anand Singh Thakur

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Amitoj Singh Dhaliwal, DAG, Punjab.

Mr. G. S. Rawat, Advocate
for respondent No.2-complainant.

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner by filing the present petition under Section 482 Cr.P.C., is seeking the quashing of FIR No.15 dated 25.02.2019, lodged at Police Station Nakodar Sadar, District Jalandhar Rural, constituting therein an offence under Section 420 IPC, and, also of all subsequent proceedings arising therefrom, on the basis of compromise arrived at between the parties.

2. When the instant petition came up before this Court, on 05.07.2019, 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 05.07.2019, 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. Moreover, it is also stated at the bar by the appearing counsel, that the compromise is compositely drawn, and, thereons exist the signatures of all concerned, in the penal transactions concerned. Therefore, the learned Magistrate has aptly 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. Since, the offence carried in the FIR (supra), is 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 investigating officer is still in the process of making investigations into the FIR (supra), and, that no report under Section 173 Cr.P.C., has been filed. Therefore, this Court deems it fit to allow the petition.

5. Consequently, the present petition is allowed, and, the FIR (supra), and, also all subsequent proceedings arising therefrom, are quashed *qua* the petitioner.

(SURESHWAR THAKUR)
JUDGE

20.04.2022

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Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No