

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

235

CRM-M-34438-2020
Date of Decision: 02.06.2022

KULWINDER SINGH DHALIWAL

.....PETITIONER

Versus

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Manbir Singh Batth, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Gurbir Singh Pannu, Advocate
for respondent No. 2.

SURESHWAR THAKUR, J. (ORAL)

1. Through the instant petition, filed under Section 482 Cr.P.C., the petitioner seeks quashing of FIR No. 216 dated 02.12.2019 registered at Police Station City Rupnagar, District Rupnagar, constituting therein offences, under Sections 406, and, 420 IPC, and, also of all the consequential proceedings arising therefrom, hence on the basis of compromise (Annexure P-2), arrived at between the parties.

2. The learned State counsel submits, that the investigation in the petition FIR is underway, and, the report under Section 173 Cr.P.C., has not been submitted before the learned Magistrate concerned.

3. When the instant petition came up before Co-ordinate Bench of this Court on 29.10.2020, an order was made upon the learned Magistrate

concerned, to make a report to this Court, with respect to the genuineness of the compromise alongwith the statements of the parties.

4. The afore made order by this Court on 29.10.2020, 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, the respondent No. 2, 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 quashing of the FIR (supra), is both voluntary, and, genuine.

5. Since, the offence(s) 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 No. 2-complainant, besides when the learned State Counsel has stated that the challan has not yet been filed. 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 qua the petitioner.

(SURESHWAR THAKUR)
JUDGE

02.06.2022
kavneet singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No