

227

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

**CRM-M-34945-2020
Date of decision : 02.09.2022**

Gurbir Singh Sandhu and another

....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Jasdev S. Brar, Advocate
for the petitioners.

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

Mr. Arshdeep S. Sivia, Advocate
for respondent No.2-Complaint.

PANKAJ JAIN, J. (ORAL)

The petitioners have approached this Court seeking quashing of FIR No.68 dated 10.08.2020, registered for the offences punishable under Section 406, 420, 120-B of the Indian Penal Code, 1860, at Police Station Phase 11, District SAS Nagar (Annexure P-1) on the basis of compromise dated 23.10.2020 (Anneuxre P-2) .

2. On 04.11.2020, the following order was passed :-

“Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

Notice of motion.

Mr. Jagmohan Ghuman, DAG, Punjab has put in appearance and accepts notice on behalf of the official respondent No.1-State. Copy supplied.

Mr. Arshdeep Sivia, Advocate puts in appearance and accepts notice on behalf of respondent No.2.

The parties through their counsel are directed to appear before the Illaqa Magistrate/Duty Magistrate/Trial Court within 30 days from the receipt of the copy of this order to record their statements and the Illaqa Magistrate shall make a report as to its satisfaction with regard to genuineness of the compromise and if the same is an outcome of voluntariness without any threat, duress or coercion. The Magistrate shall also intimate if any of the parties to this petition has been declared as proclaimed offender or if challan has been presented or not. Original report with statements of the parties be sent to this Court.

For awaiting report, list on 22.01.2021.

Learned counsel shall ensure the personal appearance of the private parties too before this Court on the next date of hearing.

State is also directed to submit report as to the stage of the investigation. ”

3. Pursuant to the aforesaid order, report has been received from Chief Judicial Magistrate, SAS Nagar, Mohali, who has reported as under :-

“The report is submitted as under :-

1. As per the statements of the parties, compromise appears to be genuine, voluntarily, without any threat, duress or coercion.
2. As per the statement of ASI Gurmail Singh (IO), no accused is declared proclaimed offender in this cse. Investigation is pending and challan has not been presented in

this case.”

4. Ld. 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, Ld. 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.68 dated 10.08.2020, registered for the offences punishable under Section 406, 420, 120-B of the IPC, at Police Station Phase 11, District SAS Nagar (Annexure P-1) and all proceedings subsequent thereto are hereby quashed *qua* the present petitioners.

September 02, 2022
Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No