

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 51648 of 2021 (O&M)
Date of Decision: 14.3.2022

Manminder Singh @ Simma

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

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

Mr. Dhruv Dayal, Sr. DAG, Punjab.

Ms. Mansi Ghai, Advocate
for respondent No. 2.

SURESHWAR THAKUR, J. (ORAL)

(Through video conferencing)

1. Through the instant petition, filed under Section 482 Cr.P.C., the petitioner seeks quashing of FIR No. 68 dated 30.8.2016 registered at Police Station Raja Sansi, District Amritsar, constituting therein offences, under Sections 420, 120-B IPC, and, also of all the consequential proceedings arising therefrom, hence on the basis of compromise dated 20.8.2021 (Annexure P-3), arrived at between the parties.

2. When the instant petition came up before this Court on 15.2.2022, an order was made upon the learned Magistrate concerned, to make a report to this Court, with respect to the genuineness of the compromise, as also, whether report under Section 173 Cr.P.C. has been filed, and, as also whether charge has been drawn against the accused, besides whether all the concerned have signed the compromise deed.

The afore made order by this Court on 15.2.2022, 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 petitioners, 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 petitioners, for seeking quashing of the FIR (supra), is both voluntary, and, genuine.

4. However, the learned State counsel vigorously opposes the granting of the claimed relief to the petitioner, as he was declared a proclaimed person. However, the vigour of the afore, is completely subsumed within the canvas of this Court, making a verdict on 07.3.2022, upon CRM-M-8573-2022, wherethrough the declaring of the petitioner herein as a proclaimed person, hence by the learned trial Judge concerned, became quashed, and, set aside. Though, it is fairly stated at the bar that the compromise depended upon by the petitioner, is not compositely drawn, as it does not include the other co-accused, and, that the other co-accused are not impleaded as co-accused in the instant petition. However, even the afore factum, is of the least significance, in not allowing the present petition, as in respect of the other co-accused, petition bearing No. CRM-M-20409-2018, as, became cast under the provisions of Section 482 Cr.P.C., became allowed, through an order made thereons on 2.8.2018. Therefore, parity of treatment has to be accorded to the petitioner along with other co-accused/petitioners in the petition (supra).

5. In addition, since it is stated at the bar by the learned counsel

for the petitioner that the investigations into FIR (supra), have resulted in filing of a report under Section 173 Cr.P.C., but since he has also stated at the bar that thereafter, neither any charge has been framed against the accused, nor the prosecution evidence has opened.

6. Therefore, and, 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(s)-complainant. Consequently, this Court is constrained to accept the petition.

7. In sequel, the present petition is allowed, and, the FIR (supra), and, all subsequent proceedings arising therefrom, and, as are subjudice before the learned Judicial Magistrate concerned, are also quashed qua the petitioner.

(SURESHWAR THAKUR)
JUDGE

March 14, 2022
Gurpreet

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