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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-51095-2021****Date of decision:10.01.2022****SURESH KUMAR @ KALI AND ANOTHER**

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. I.S. Dhaliwal, Advocate for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Navinderjit Singh Dandiwal, Advocate
for respondent No.2.

(Through Video Conferencing)

SURESHWAR THAKUR, J. (ORAL)

1. The petitioners, by way of filing the present petition under Section 482 Cr.P.C., are seeking quashing of FIR No. 202 of 19.09.2021 (Annexure P-1), constituting therein offences under Sections 379/34, of IPC, (Section 411 of the IPC added lateron), registered at Police Station Sadar Shri Muktsar Sahib, District Sri Muktsar Sahib, and, also of all subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-2) arrived at between the parties.

2. When the instant petition came up before this Court, on 07.12.2021, 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 (P-2), 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 petitioners, had

depended, upon, a compromise/settlement, arrived at, in respect of the FIR (supra) with the complainant-respondent.

3. The afore made order by this Court on 07.12.2021, 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, 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, the compromise is compositely drawn, and, thereons exist the signatures of all concerned, in the penal transactions concerned. 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, also free from vices of duress, and, or of compulsion, being exercised upon each other, besides is genuine. The relevant portion of the report of the learned Magistrate is extracted hereafter.

“1. The FIR is still under investigation and report under Section 173 of the Code of Criminal Procedure has not yet been presented.

2. The charge has not been framed against any of the accused persons;

3. The prosecution evidence has not yet commenced; and

4. The compromise effected between the parties appears to be genuine, voluntary and without any coercion or undue influence.”

4. Since, the offences carried in the FIR (supra), are compoundable, and, also when a valid compromise has been entered into,

inter-se, the accused petitioners, and, the respondent(s)-complainant, besides when the learned State counsel has stated that the challan under Section 173 Cr.P.C. has not been filed before the learned Magistrate concerned. 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 petitioners.

10.01.2022

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Whether speaking/reasoned:-
Whether reportable:

(SURESHWAR THAKUR)
JUDGE

Yes/No
Yes/No