

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

CRM-M No. 51155 of 2021

Date of Decision: 08.03.2022

Swaran Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Rajdeep Singh Gill, Advocate
for the petitioners.

Mr. Bhupender Beniwal, Assistant Advocate General, Punjab
for respondent No. 1 / State.

Mr. Gaurav Kumar, Advocate
for respondent No. 2.

SURESHWAR THAKUR, J. (ORAL)

1. Through the instant petition filed under Section 482 Cr.P.C., the petitioners are seeking quashing of FIR No. 35 of 12.05.2019 (Annexure P-1), constituting therein offences, under Sections 379, 447, 511, 120-B of the IPC, registered at Police Station Mallanwala District Ferozepur, and, also of all the subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-3).

2. It is averred in the petition that one of the accused, namely, Jasvir Singh s/o Balkar Singh, has died during the course of investigation.

3. When the instant petition came up for hearing on 07.12.2021, this Court made a direction upon the Illaqa Magistrate

concerned, to make a report with respect to the genuineness of the compromise (P-3), and, also with respect to the following:-

“ (a) whether after completion of investigation, report under Section 173 Cr.P.C. has been filed;
(b) whether charge has been drawn against the accused; and
(c) whether the prosecution evidence has commenced.”

4. 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(s).

5. The afore made order by this Court on 07.12.2021, has been complied with by the learned Illaqa 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, 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.

6. 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

allow the petition.

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

March 08, 2022

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**(SURESHWAR THAKUR)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>