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

CRM-M-53156-2021
Date of decision: 28.04.2022

RAGHUVIR SINGH AND ANR

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Varun Dhawan, Advocate
for the petitioners.

Ms. Jaspreet Kaur, AAG, Punjab.

Mr. Arshit Goel, Advocate
for respondent No.2-complainant.

SURESHWAR THAKUR, J. (ORAL)

1. The petitioners by filing the present petition under Section 482 Cr.P.C., are seeking quashing of FIR No.0123, dated 20.10.2021, under Sections 420, 120-B of IPC, lodged at Police Station Dhariwal, District Gurdaspur, and, also of all subsequent proceedings arising therefrom, on the basis of compromise arrived at between the parties.

2. When the instant petition came up before this Court, on 20.12.2021, 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, 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(s).

3. The afore made order by this Court on 20.12.2021, 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 except one Saroj Bala. Therefore, the learned Magistrate has reported that the settlement / compromise, depended upon, by the petitioners, for seeking the 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.

4. Though the offences carried in the FIR (supra), are compoundable with leave of the Court, and, also when this Court may become constrain to on the basis of the voluntarily compromise drawn amongst the concerned, proceeded to quash the FIR, and, all consequential proceedings, as arise therefrom. However, the accused in the FIR (supra), are not only the co-petitioners but also one Saroj Bala, but the latter has not appended her signatures on the compromise drawn amongst the co-petitioners, and, respondent No.2, nor has caused her appearance before the learned trial Magistrate concerned, for making her testification, in, support of the compromise appended as Annexure P-2 with the petition.

5. Consequently, though normally piecemeal petitions, for piecemeal quashing(s) of the FIR concerned, and, of all consequential proceedings, as arise therefrom, may not be permissible but when the offence(s) constituted in the FIR

is/are offence(s) appertaining to, and, or is/are penal occurrences, arising from the factum of the complainant, being duped of sums of money concerned, by the purported penal misdemeanor attributed to all the accused concerned, thereupon in respect thereof, the apposite piecemeal endeavours are validly resorted to. Therefore, when only with respect of two of the accused named in the FIR (supra), a compromise has been drawn by the victim-aggrieved, whereas one, Saroj Bala becomes excluded, yet for the afore reason the piecemeal endeavour on the part of the petitioners rather not based, upon a compositely drawn compromise, to which Annexure P-2 is assigned, is to be accepted, moreso, when one Saroj Bala is declared a proclaimed person, and, hence unfolds ill conduct which obviously, does not appeal, to the judicial conscience of this Court, that she, alike the co-petitioners being amenable for the compromise (supra), being also accepted qua her.

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 on instructions meted to her, that the investigating officer has yet not preferred a report under Section 173 Cr.P.C., before the learned Magistrate concerned. Therefore, this Court deems it fit to allow the petition.

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

(SURESHWAR THAKUR)
JUDGE

28.04.2022

Ithlesh

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No