

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-5628 of 2022 in/ and
CRM-M No.51612 of 2021
Date of Decision: 23.02.2022

Pawanjit Singh @ Pawanjeet Singh and Another

..... Petitioners

V/s.

State of Punjab and Another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Balram Prashar, Advocate for the applicants-petitioners.

Mr. Bhupender Beniwal, AAG , Punjab.

Mr. Sukhwinder Singh Dhillon, Advocate for
Ms.Dilmrig Nayani, Advocate for complainant-respondent No.2.

Sureshwar Thakur, J. (Oral)

CRM-5628 of 2022

This is an application filed under Section 482 Cr.P.C. for preponing the hearing of the main case.

For the reasons stated in the application, the same is allowed and the main case is taken up on board today, itself.

Main Case

1. The petitioners, by way of filing the present petition under Section 482 Cr.P.C., are seeking quashing of FIR No.106, dated 15.04.2018, constituting therein offences, embodied under Sections 323, 341, 506 and 34 of IPC, 1860, as lodged at Police Station Division No.7, Ludhiana, and, also of all subsequent proceedings arising therefrom, hence on the basis of compromise (Annexure P-2) arrived at between the parties.

2. When the instant petition came up before this Court, on 10.12.2021 an order was made upon the learned Magistrate concerned, to make a report to this Court, with respect to filing of report under Section 173 Cr.P.C, after the completion of investigation, as also qua any charge being drawn against the accused, and, besides with regard to whether prosecution evidence has commenced. 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 10.12.2021, 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 .

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 petitioner(s), and, the respondent(s)-complainant, besides when the learned State Counsel has stated that the Investigating Officer has preferred a report under Section 173 Cr.P.C., qua petitioner No.1, before the learned Magistrate concerned,

and, charges have been framed against him, and also, the case is pending for

prosecution evidence whereas challan against petitioner No.2 has not been filed.

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.

23rd February, 2022

Sonia Puri

(SURESHWAR THAKUR)
JUDGE

Whether Speaking/Reasoned
Whether Reportable

Yes/No
Yes/No