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

CRM-M-54228-2021 (O&M)

Date of decision:10.02.2022

VIJAY KUMAR

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Saurav Bhatia, Advocate for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Raman Preet Singh, Advocate for respondent No. 2.

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by way of filing the present petition under Section 482 Cr.P.C., is seeking quashing of FIR No. 105 of 10.09.2021 (Annexure P-1), constituting therein offences under Sections 420, 406 of IPC, and, Section 13 of Punjab Travel Professional (Regulation) Act, 2014, registered at Police Station City Balachaur, District Shaheed Bhagat Singh Nagar, and, also of all subsequent proceedings arising therefrom, on the basis of affidavit/compromise (Annexure P-2) arrived at between the parties.

2. When the instant petition came up before this Court, on 23.12.2021 an order was made upon the learned Magistrate concerned, to make a report to this Court, with respect to the genuineness of the afore affidavit/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 petitioner, 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 23.12.2021, 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 petitioner, 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 petitioner, 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, and, the respondent(s)-complainant, besides when the learned State Counsel has stated that the investigating officer has not yet preferred a report under Section 173 Cr.P.C., 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 petitioner.

(SURESHWAR THAKUR)
JUDGE

10.02.2022

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Whether speaking/reasoned:-

Yes/No

Whether reportable:

Yes/No