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

CRM-M-44902-2019 (O&M)

Date of decision:09.03.2022

BOHAR SINGH

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. J.S. Khiva, Advocate for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Sukhdev Singh Gopera, Advocate for
Ms. Amanpreet Kaur, 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. 22 of 15.02.2018 (Annexure P-1), constituting therein offences under Section 406 of IPC, registered at Police Station Sardulgarh, District Mansa, 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 22.10.2019 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 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 22.10.2019, 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 on instructions being meted to him by ASI Sukhminder Singh, that though after presenting the report under Section 173 Cr.P.C., charges have been framed, but the prosecution evidence has yet not commenced. 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.

6. Pending miscellaneous application(s), if any, stand(s), disposed of.

(SURESHWAR THAKUR)
JUDGE

09.03.2022

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Whether speaking/reasoned:-

Yes/No

Whether reportable:

Yes/No