

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

**CRM-M-45816-2019
Date of decision : 31.08.2022**

Bahadar Singh and another

....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Munish Garg, Advocate
for the petitioners.

Mr. Madhur Sharma, AAG, Punjab
for respondent No.1/State.

Mr. Yashveer Kharb, Advocate
for respondent No.2.

PANKAJ JAIN, J. (ORAL)

The petitioners have approached this Court seeking quashing of FIR No.174 dated 05.08.2019, registered for the offences punishable under Sections 420/120-B of the Indian Penal Code, 1860, at Police Station Sadar Khanna, District Ludhiana (Annexure P-1) on the basis of compromise dated 25.09.2019 (Anneuxre P-2) .

2. On 29.10.2019, the following order was passed :-

“Quashing of FIR has been sought on the basis of compromise.

Notice of motion.

On asking of the Court, Mr. Surinder Pal Singh Tinna, Additional A.G. Punjab, learned counsel for the State accepts notice on behalf of State of Punjab.

Mr. Yashveer Kharb, Advocate accepts notice on behalf of the private respondent.

Let a copy of the petition be handed over to learned counsels appearing on behalf of State and private respondent.

Adjourned to 22.11.2019.

Counsel for the parties are requested to file an affidavit before the next date of hearing with respect to following conditions:-

- 1. Number of persons arrayed as accused in FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
- 4. Whether the accused persons are involved in any other FIR or not,*

Parties are directed to remain present before this Court on the next date of hearing.”

3. Pursuant to the aforesaid order, report has been received from Judicial Magistrate 1st Class, Khanna, who has reported as under :-

“(i) Whether the compromise is genuine, voluntary and without any coercion or undue influence.

It is hereby submitted that statements were recorded in which the complainant Gian Singh and the accused namely Bahadar Singh and Gurmeet Kaur, expressed themselves having reached a compromise. The accused Bahadar Singh and Gurmeet Kaur suffered a joint statement that they have filed the quashing of FIR no.174 dated 05.08.2019 u/s 420, 120-B of IPC, P.S. Sadar Khanna, District Ludhiana. However, quashing of abovesaid FIR against accused no.3 Navjot Kaur who is their daughter, will be filed later on as and when she comes to India as she is now residing in

Canada. As such, the said compromise ex facie seems to be genuine, voluntary and without any pressure, threat, coercion or undue influence between complainant and accused no. 1 and 2.

(ii) *Number of persons arrayed as accused in FIR?*

It is hereby submitted that there are three accused persons in the present FIR namely Bahadar Singh, Gurmeet Kaur and Navjot Kaur.

(iii) *Whether any accused is proclaimed offender?*

It is hereby submitted that in view of the statement of Investigating Officer of the present case no accused has been declared PO in the present case.

(iv) *Whether the accused persons are involved in any other FIR or not.*

It is hereby submitted that in view of the statement suffered by the Investigating Officer of the present case there is no other case is registered against accused Bahadur Singh, Gurmeet Kaur and Navjot Kaur.”

4. Ld. State Counsel points out that even though the parties have compromised but the accused No.3 i.e. Navjot Kaur has not joined the petitioners for quashing of the FIR in the present case.

5. Ld. Counsel appearing for the complainant/respondent No.2 however submits that the compromise is *in toto*. Accused No.3-Navjot Kaur being presently residing in Canada has not joined as petitioners in the present petition. He submits that he has no objection in case the FIR and all proceedings subsequent thereto against the present petitioners are quashed.

6. Ld. Counsel for the petitioners relies upon the law laid down by the Apex Court in the case of **Jayrajsinh Digvijaysinh Rana vs. State of Gujarat and another, 2012 (12) SCC 401** to contend that the FIR can be quashed even in the case of partial compromise. The present case is on much better footing as the dispute has been compromised *in toto*.

6. Keeping in view the aforesaid facts and in view of law laid in the case of **Jayrajsinh Digvijaysinh Rana** (supra), the present petition is allowed. FIR No.174 dated 05.08.2019, registered for the offences punishable under Sections 420/120-B of the IPC, at Police Station Sadar Khanna, District Ludhiana (Annexure P-1) and all proceedings subsequent thereto are hereby quashed *qua* the present petitioners.

August 31, 2022

Dpr

(PANKAJ JAIN)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No