

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

266

CRM-M-48081-2019 (O&M)

Date of Decision: 08.09.2022

GULAM KANWAR @ TICHU

...Petitioner

Versus

STATE OF PUNJAB AND ANR

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: None for the petitioner.

Ms. Monika Jalota, Sr. DAG Punjab.

Mr. Puneet Pali, Advocate
for respondent No.2.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for quashing of Criminal Complaint No.36 dated 22.10.2003 titled as Intzar Hussain vs Asif and Others and order dated 02.01.2009 passed by the learned Judicial Magistrate, 1st Class, Malerkotla, vide which the petitioner was declared as a proclaimed offender in the above noted complaint, on the basis of compromise dated 08.06.2015 (Annexure P-2) arrived at between the parties.

Vide order dated 14.11.2019 passed by a Coordinate Bench of this Court, the trial Court/Illaq Magistrate had been directed to record the statements of the parties with regard to the genuineness and authenticity of the compromise.

In compliance thereof, the learned Judicial Magistrate, 1st Class, Malerkotla, has submitted a report, vide letter dated 02.12.2019,

which indicates that the parties had appeared before the Magistrate and got recorded their respective statements with regard to the validity of the compromise. As per the report, the compromise arrived at between the parties is genuine and without any pressure or coercion from any corner.

It has also been mentioned in the report, that there were total five accused including the petitioner; that only the petitioner was declared as the proclaimed offender and that the compromise has been effected with the present petitioner only.

Since the parties have arrived at a compromise and have decided to live in peace, no useful purpose would be served in allowing the criminal proceedings to continue.

Accordingly, the present petition is allowed. Criminal Complaint No.36 dated 22.10.2003 titled as Intzar Hussain vs Asif and Others and order dated 02.01.2009 passed by the learned Judicial Magistrate, 1st Class, Malerkotla, are quashed qua the petitioner on the basis of compromise dated 08.06.2015 (Annexure P-2), subject to the petitioner depositing the costs of Rs.15,000/- with the Poor Patients' Welfare Fund, Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh.

Needless to say that the parties shall remain bound by the terms of compromise and their statements made in the Court below.

08.09.2022
Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*