

CRM-M-6692-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 31.08.2023

Sukhdev Pal and another

....Petitioners

V/s

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Ms. Komalpreet Kaur, Advocate for
Mr. Sandeep Arora, Advocate for the petitioners.

Mr. Madhu Sharma, AAG Punjab.

Ms. Kuljeet Kaur, Advocate for
Mr. G.S. Rawat, Advocate for respondent Nos.2 to 4.

ARUN MONGA, J. (Oral)

Petitioners seek quashing of FIR No.18 dated 25.02.2013 (Annexure P-1), registered under Sections 406 and 420 IPC, at Police Station Jhabal, District Tarn Taran and all subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-3), which is stated to have been effected between the parties; and also to quash the judgment dated 25.09.2018 (Annexure P-2) passed by learned Additional Chief Judicial Magistrate, Tarn Taran, whereby petitioners were convicted under Section 420 IPC.

2. Since quashing was sought on the basis of compromise, this Court vide order dated 08.02.2023 had directed the parties to appear before the *Illaga* Magistrate/trial Court for recording their statements in support of the compromise. A veracity report was also called for.

3. Report dated 30.05.2023 of learned Additional District and Sessions Judge, Tarn Taran had been received. Report reveals that statements of complainant party i.e., respondent Nos. 2 to 4 as also of accused/present petitioners herein, were duly recorded. It is opined that a compromise has been arrived at without any pressure, undue influence or coercion. The report is

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accompanied by the statements of parties. It is apparent that the complainant/respondent Nos. 2 to 4 and accused/petitioners herein, have arrived at a compromise voluntarily and without any coercion.

4. Learned counsel for complainant/respondent Nos. 2 to 4 states that he would have no objection to the quashing of FIR in question.

5. This Court in appropriate cases can exercise the power under Section 482 Cr.P.C. for quashing of criminal proceedings/FIR on the basis of compromise. A reference in this regard may be made to a decision dated 29.09.2021 of the Supreme Court in case titled “*Ramgopal and anr. V. The State of Madhya Pradesh*”¹ and a Full Bench decision of this Court in “*Kulwinder Singh and others V. State of Punjab and others*”².

6. In the premise, it is an appropriate case for exercise of power under Section 482 Cr.P.C. and to bring to an end the criminal proceedings initiated in the light of impugned FIR.

7. Petition is thus allowed. FIR No.18 dated 25.02.2013 (Annexure P-1), registered under Sections 406 and 420 IPC, at Police Station Jhabal, District Tarn Taran and all subsequent proceedings emanating therefrom as also judgment dated 25.09.2018 (Annexure P-2) passed by learned Additional Chief Judicial Magistrate, Tarn Taran, whereby petitioners were convicted under Section 420 IPC, stand quashed.

8. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

August 31, 2023
Ajay

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

¹Criminal Appeal No.1489 of 2012

²2007 (3) RCR (Criminal) 1052