

292-A
IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision: October 17, 2023

CRM-M-7316-2023 (O&M)

Amarjeet Singh@ Amarjit Singh
.....Petitioner
versus

State of Punjab and another
.....Respondents

CRM-M-24469-2019 (O&M)

Amarjeet Singh@ Amarjit Singh
.....Petitioner
versus

State of Punjab and another
.....Respondents

CORAM: HON’BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Vivek Singhla, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Raghav Soni, Advocate,
for respondent No.2.

ARUN MONGA, J. (ORAL)

Vide this common order, above-mentioned two cases i.e., one quashing of complaint on the basis of compromise and another for quashing the order declaring he petitioner as proclaimed offender, arising out of the same complaint, are being disposed of. For brevity, recitals/facts are being taken from CRM-M-7316-2023.

2. Petition herein is under Section 482 of Code of Criminal Procedure, 1973 (for short ‘Cr. P.C.’) seeking quashing of Complaint bearing No.SC/52/2018 dated 03.09.2010 (CNR No.PBFD010010702018) u/s 3/4(10)(1) of Scheduled Castes and Scheduled Tribes Act, 1989 and under Sections 452, 323, 506 IPC titled as **Lakhwinder Kaur vs. Nirmal Singh and others** and all other consequential proceedings arising there from, on the basis of compromise dated 19.01.2023/01.02.2023 (Annexure P-2), stated to have been arrived at between the parties. The petitioner is further seeking quashing of

order dated 18.12.2017 passed by JMIC Faridkot vide which he has been declared proclaimed offender.

3. Since quashing was sought on the basis of compromise, this Court on 21.08.2023 had directed the parties to appear before the Illaqa Magistrate/trial Court for recording their statements in support of the compromise. A veracity report was also called for.

4. Report dated 09.09.2023 of learned Additional Sessions Judge-I, Faridkot, had been received. Report reveals that statement of complainant party i.e. respondent No.2 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 accompanied by the statements of parties. It is apparent that the complainant/respondent No.2 and accused/petitioners have arrived at a compromise voluntarily and without any coercion.

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

6. 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.

7. 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.

8. Both the petitions are thus allowed. Complaint bearing No.SC/52/2018 dated 03.09.2010 (CNR No.PBFD010010702018) u/s 3/4(10)(1) of Scheduled Castes and Scheduled Tribes Act, 1989 and under Sections 452, 323, 506 IPC titled as **Lakhwinder Kaur vs. Nirmal Singh and others** and order dated 18.12.2017 passed by JMIC Faridkot

¹Criminal Appeal No.1489 of 2012
2007 (3) RCR (Criminal) 1052

vide which the petitioner has been declared proclaimed offender as well as all proceedings emanating there from *qua* the petitioner stand quashed.

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

(ARUN MONGA)
JUDGE

October 17, 2023

poonam

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No