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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-13955-2023 (O&M)****Date of decision: 24.07.2023****Harshita Jain****...Petitioner****Versus****State of Punjab and another****...Respondents****CORAM: HON'BLE MR. JUSTICE ARUN MONGA****Present:-** Mr. Shehbaz Thind, Advocate,
For the petitioner.

Mr. Virat Rana, AAG, Punjab.

Ms. Surbhi Yadav, Advocate,
For respondent No.2.**ARUN MONGA, J. (ORAL)**

The instant petition has been filed under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') seeking quashing of FIR No.251 dated 28.07.2020 (Annexure P-1), registered under Sections 279, 337 of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station Commissionerate Division 8, District Ludhiana along with challan dated 16.10.2020 (Annexure P-2) under Sections 279, 337, 427 IPC as well as order dated 14.10.2022 (Annexure P-3) passed by learned Judicial Magistrate 1st Class, Ludhiana and subsequent proceedings thereto, on the basis of compromise in the form of affidavit dated 28.02.2023 (Annexure P-4) which is stated to have been entered into between the parties.

2. Learned counsel for the petitioner contends that after presentation of challan, petitioner appeared before learned trial Court and during the interregnum, he arrived at compromise with the complainant. He was under the impression that since the matter has been compromised and he need not appear before learned trial Court. Learned trial Court vide impugned order 14.10.2022 (Annexure P-3) cancelled his bail bonds and non-bailable warrants were issued against him. Learned counsel further contends that since parties have already

compromised the matter, no useful purpose would be served to continue the trial as it will ultimately result in acquittal of petitioner.

3. Since quashing was sought on the basis of compromise, a co-ordinate Bench of this Court on 20.03.202 had directed the parties to appear before the trial Court/*Illaq*a Magistrate concerned for recording of their statements in support of the compromise. A veracity report was also called for and meanwhile, operation of order dated 14.10.2022 (Annexure P-3), whereby bail and bail bonds of petitioner stood cancelled and forfeited to the State, was ordered to be kept in abeyance *qua* cancellation of bail of petitioner.

4. Placed on record is a report dated 29.04.2023 of learned Judicial Magistrate^{1st} Class, Ludhiana and a perusal of the same would reveal that the statements of the complainant/respondent No.2as also of the accused/present petitioner herein have been duly recorded and it has been opined that a compromise has been arrived and is authentic, genuine, voluntary and out of free will of the parties. The report is accompanied by the statements of the parties which were duly recorded.

5. Learned counsel appearing on behalf of respondent No.2also makes a statement that the compromise having been effected, she would have no objection to the quashing of the 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. Adverting back to the facts of the present case, it is apparent that the complainant/respondent and accused/petitioner are known to each other and

¹Criminal Appeal No.1489 of 2012

²2007 (3) RCR (Criminal) 1052

compromise has been arrived at between the parties voluntary and without any coercion.

8. In the considered view of this Court, it would be 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 the impugned FIR.

9. For the reasons recorded above, the present petition is allowed. FIR No.251 dated 28.07.2020 (Annexure P-1), registered under Sections 279, 337 of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station Commissionerate Division 8, District Ludhiana along with challan dated 16.10.2020 (Annexure P-2) under Sections 279, 337, 427 IPC as well as order dated 14.10.2022 (Annexure P-3) passed by learned Judicial Magistrate 1st Class, Ludhiana and all proceedings emanating therefrom *qua* the petitioners stand quashed.

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

JULY 24, 2023
Sachin M./jyt

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No