

274 (2nd case)

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

CRM-M-17902 OF 2023

DATE OF DECISION : 18.07.2023

Shamsher Singh and others ...Petitioners

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr.Amit Kumar, Advocate,
For the petitioners.

Mr. Mohit Thakur, AAG, Punjab.

Mr. Karan Chaudhary, 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.') quashing of cross-version of FIR No.0006 dated 20.01.2023 (Annexure P-2) registered vide DDR No. 24 dated 08.02.2023 under Section 326 read with Section 34 IPC, at Police Station Kamboj, Tehsil and District Amritsar (Annexure P-1), on the basis of compromise deed dated 23.02.2023 (Annexure P-3), stated to have been arrived between the parties.

2. Since quashing was sought on the basis of compromise, this Court on 13.04.2023 had directed the parties to appear before learned trial Court/*Illaqu* Magistrate for recording their statements in support of the compromise. A veracity report was also called for.

3. Placed on record is a report dated 05.05.2023 of learned Judicial Magistrate Ist Class, Amritsar and a perusal of the same would reveal that the statements of complainant/respondent No.2 as also of the accused/present petitioners 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.

4. Learned counsel appearing on behalf of respondent No.2 also makes a statement that compromise having been effected, he would have no objection to the quashing of the 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. Adverting back to the facts of the present case, it is apparent that the complainant/respondent and accused/petitioners are known to each other and compromise has been arrived at between the parties voluntarily and without any coercion.

7. 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.

8. Petition is thus allowed. Cross-version of FIR No.0006 dated 20.01.2023 (Annexure P-2) registered vide DDR No. 24 dated 08.02.2023 under Section 326 read with Section 34 IPC, at Police Station Kamboj, Tehsil and District Amritsar (Annexure P-1), and all proceedings emanating therefrom *qua* the petitioners stand quashed.

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

JULY 18, 2023
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No

¹ Criminal Appeal No.1489 of 2012