

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

CRM-M No.21133 of 2023

Date of decision: 28th April, 2023

Sukhchain Chand

... Petitioner

Versus

State of Punjab & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vivek K. Thakur, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed for quashing of the FIR No.23 dated 12.02.2017 under Sections 406, 420 IPC registered at Police Station Kotwali, District Kapurthala (Annexure P-1) along with all subsequent proceedings arising therefrom including the order dated 08.04.2022 (Annexure P-8) passed by learned Judicial Magistrate 1st Class, Kapurthala whereby the petitioner had been declared a proclaimed offender.

Learned counsel for the petitioner submits that it was a matter of record that vide compromise (Annexure P-3) dated 14.01.2020, the parties had amicably settled their dispute, and thereafter, petition bearing CRM-M-5464-2020 was filed before this Court seeking quashing of the FIR in question on the basis of compromise arrived at between the parties. This Court then directed the parties to get their statements recorded before the trial Court.

Learned counsel has drawn the attention of this Court to the report (Annexure P-5) dated 19.03.2020, wherein it stands reflected that the parties had got their respective statements recorded before the learned Judicial Magistrate 1st Class, Kapurthala with respect to the compromise so arrived at between them. He submits that in the said report, it was also submitted by the learned Court below that none of the accused was absconding, however, subsequently vide order dated 08.04.2022, learned Judicial Magistrate 1st Class erroneously declared the petitioner a proclaimed offender.

Learned counsel submits that since the matter had already been compromised between the parties, which fact finds reflected in the report of the learned Judicial Magistrate 1st Class, Kapurthala, the order declaring the petitioner a proclaimed offender could not be sustained and thus, deserved to be set aside.

Notice of motion.

On the asking of Court, Mr. Amit Rana, Sr. Deputy Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent/State.

Mr. Angad Parmar, Advocate puts in appearance and files his power of attorney on behalf of respondent No.2. He has not disputed the submissions made by the learned counsel for the petitioner that the parties had indeed compromised the matter vide compromise (Annexure P-3) dated 14.01.2020. He has also not opposed the prayer

of the counsel opposite for quashing of the FIR in question on the basis of compromise so arrived at between the parties.

I have heard learned counsel for the parties and perused the relevant material on record.

Admittedly, the parties had already compromised the matter and got their respective statements recorded before the learned Judicial Magistrate 1st Class, Kapurthala in compliance of the order of this Court. In this background, the FIR (Annexure P-1) along with all consequential proceedings arising out of it including the order declaring the petitioner to be a proclaimed offender (Annexure P-8), is quashed.

The petition stands allowed.

(MANJARI NEHRU KAUL)
JUDGE

April 28, 2023
rps

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