

261 (2 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision: 28.09.2023
CRM-M-24831-2022 (O&M)

Jagmohan Singh

...Petitioner

VS

State of Punjab and another

...Respondents

CRM-M-42003-2023 (O&M)

Jagmohan Singh

...Petitioner

VS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- None.

ARUN MONGA, J. (ORAL)

Due to a call given by the Bar Council of Punjab and Haryana, the Executive Committee of the Bar Association has unanimously decided not to work till 29.09.2023 in solidarity with the District Bar Association, Sri Muktsar Sahib on account of one of the Bar members who is alleged to have been falsely implicated by the police officials at Sri Muktsar Sahib.

2. Vide this common order, above mentioned two cases are being disposed of since facts are analogous.

3. In CRM-M-24831-2022 petitioner seeks quashing of FIR No.0004 dated 12.01.2017 registered under Sections 406, 420, 120-B of IPC 1860, at Police Station, Mehtiana, District Hoshiarpur, Punjab and all other consequential proceedings arising therefrom on the basis of compromise dated 19.05.2022 (Annexure P-2), stated to have been arrived between the parties. In CRM-M-42003-2023 petitioner seeks quashing of order dated 06.04.2018 (Annexure P-2) passed by learned trial Court whereby petitioner was declared as proclaimed offender in the aforesaid FIR.

4. Since quashing was sought on the basis of compromise, this Court on 02.06.2022 in CRM-M-24831-2022 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.

5. Report dated 21.07.2022 of learned Judicial Magistrate Ist Class, Hoshiarpur had been received. Report reveals that statements of complainant party i.e. respondent No.2 as also of accused/present petitioner 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/petitioner have arrived at a compromise voluntarily and without any coercion.

6. It is stated in the report that respondent No.2 would have no objection to the quashing of FIR in question.

7. 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.

8. In the premise, these are appropriate cases 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.

9. Both the petitions are thus allowed. FIR No.0004 dated 12.01.2017 registered under Sections 406, 420, 120-B of IPC 1860, at Police Station, Mehtiana, District Hoshiarpur, Punjab and all proceedings emanating there from *qua* the petitioner including order dated 06.04.2018 (Annexure P-2) whereby petitioner was declared proclaimed offender stand quashed.

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

11. A photocopy of this order be placed on the connected case file.

(ARUN MONGA)
JUDGE

28.09.2023
vandana

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

¹Criminal Appeal No.1489 of 2012

²2007 (3) RCR (Criminal) 1052