

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

**CRM-M-26101-2023 (O&M)
Date of decision: 04.09.2023**

Karam Chand and another

...Petitioners

VS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr.Sandeep Arora, Advocate,
for the petitioners.

Mr. Mohit Thakur, AAG, Punjab.

Mr.G.S.Rawat, Advocate
for respondent no.2.

ARUN MONGA, J. (ORAL)

Petitioners seek quashing of FIR No.71 dated 16.06.2012 (Annexure P-1) registered under Sections 420, 465, 467, 468, 471, 120-B of IPC, at Police Station Navi Baradari, Jalandhar and all subsequent proceedings arising therefrom, and for setting aside judgment dated 13.12.2018 (Annexure P-2) passed by learned Judicial Magistrate Ist Class, Jalandhar, convicting petitioners for the commission of offences under Sections 465, 467, 468, 471 and 120-B of IPC and sentencing them to undergo Rigorous Imprisonment for a period of 2 years, on the basis of compromise dated 20.01.2023 (Annexure P-5), which is stated to have been entered into between the parties.

2. Since quashing was sought on the basis of compromise, a co-ordinate Bench of this Court vide order dated 22.05.2023 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.

3. Report dated 04.09.2023 of learned Judicial Magistrate Ist Class, Jalandhar, had been received. Report reveals that statements 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.

4. Learned counsel appearing on behalf of complainant/respondent No. 2 also makes a statement that the 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, a Full Bench decision of this Court in *Kulwinder Singh and others V. State of Punjab and others*², *Sunder and another versus State of Haryana and others*³, *Gurjit Singh and another versus State of Punjab and others*⁴ and *Bhan Singh and others versus State of Punjab and others*⁵.

6. Adverting back to the facts of the present case, it is apparent that the compromise has been arrived at between the parties 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. For the reasons recorded above, the present petition is allowed. FIR No.71 dated 16.06.2012 (Annexure P-1) registered under Sections 420, 465, 467, 468, 471, 120-B of IPC, at Police Station Navi Baradari, Jalandhar and all subsequent proceedings arising therefrom, as also the judgment dated 13.12.2018 (Annexure P-2) passed by learned Judicial Magistrate Ist Class, Jalandhar, convicting the petitioners for the commission of offences under Sections 465, 467, 468, 471 and 120-B of IPC and

¹Criminal Appeal No.1489 of 2012

²2007 (3) RCR (Criminal) 1052

³2015 (26) R.C.R. (Criminal) 639

⁴2020 (4) R.C.R. (Criminal) 549

⁵CRM-M-20712-2019, decided on 19.04.2022

sentencing them to undergo Rigorous Imprisonment for a period of 2 years, *qua* the petitioners, stand quashed.

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

(ARUN MONGA)
JUDGE

September 04, 2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No