

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

CRM-M-54334-2018 (O&amp;M)

DATE OF DECISION: 26.07.2023

**Amarsher Singh @ Toni****...Petitioner****Versus****State of Punjab and others****...Respondents****CORAM : HON'BLE MR. JUSTICE ARUN MONGA**

Present : Mr. A.S.Ahluwalia, Advocate for  
Mr. Balram Singh, Advocate  
For the petitioner.

Mr. Mohit Thakur, AAG, Punjab.

Mr. Ishan Thakur, Advocate for respondent No.2

None for respondent No.3.

**ARUN MONGA, J. (ORAL)**

Petitioner seeks quashing of FIR No.349 dated 08.12.2016 (Annexure P-1) registered under Sections 420, 120-B of the Indian Penal Code (for short 'IPC') and Section 24 of Emigration Act at Police Station Focal Point, Ludhiana, on the basis of compromise dated 03.11.2018 (Annexure P-2), stated to have been arrived between the parties.

2. Since quashing was sought on the basis of compromise, this Court on 07.12.2018 had directed the parties to appear before the *Illaga* Magistrate/trial Court for recording their statements in support of the compromise. A veracity report was also called for.

3. Report dated 07.01.2019 of learned Chief Judicial Magistrate Ludhiana, 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. However, statement of respondent No.3-Sher Singh (another accused in the FIR in question) has not been recorded and report dated 07.01.2019 of Chief Judicial Magistrate, Ludhiana further reveals that no compromise has been effected between complainant/respondent No.2 and accused/respondent No.3.

4. Learned counsel appearing on behalf of respondent No.2 makes a statement that the compromise having been effected with petitioner alone, he would have no objection to the quashing of the FIR in question *qua* petitioner only.

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*<sup>1</sup> and a Full Bench decision of this Court in *Kulwinder Singh and others V. State of Punjab and others*<sup>2</sup>.

6. In the premise it is an appropriate case for exercise of power under Section 482 Cr.P.C. and to bring to an end the criminal proceedings *qua* the petitioner initiated in the light of impugned FIR.

7. Petition is thus allowed. FIR No. 349 dated 08.12.2016 (Annexure P-1) registered under Sections 420, 120-B of IPC and Section 24 of Emigration Act at Police Station Focal Point, Ludhiana and all proceedings emanating there from *qua* the petitioner stand quashed.

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

26.07. 2023

vandana

(ARUN MONGA)  
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No

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<sup>1</sup>Criminal Appeal No.1489 of 2012

<sup>2</sup>2007 (3) RCR (Criminal) 1052