

261

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-28831-2023 (O&M)

Date of decision: September 18, 2023

Rajiv Kumar @ Rajiv Dutta and another

....Petitioners

versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** None.

ARUN MONGA, J. (ORAL)

Due to sudden demise of Sh. S.D. Sharma, Senior Advocate, the Executive Committee of the Bar Association has unanimously decided that as a mark of respect, members shall abstain from work today i.e., on 18.09.2023.

2. Petition herein is under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') seeking quashing of FIR No.0032 dated 14.03.2018, under Sections 323, 452, 506, 34 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Division E, District Police Commissionerate Amritsar, on the basis of compromise dated 18.05.2023 (Annexure P-2), which is stated to have been arrived at between the parties.

3. Since quashing was sought on the basis of compromise, this Court on 01.06.2023 had directed the parties to appear before the trial Court/ *Illaq*a Magistrate for recording of their statements in support of the compromise. A veracity report was also called for.

4. Placed on record is a report dated 28.07.2023 of learned Additional Chief Judicial Magistrate, Amritsar. A perusal of the same would reveal that the statements of the 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 the same is genuine, voluntarily and with free will of the parties. The report is accompanied by the statements of the parties which were duly recorded.

5. It has been recorded in the order dated 01.06.2023 that learned counsel for respondent No.2 admits the factum of compromise arrived at between the parties.

6. 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.

7. Adverting back to the facts of the present case, it is apparent that compromise has been arrived at between the parties voluntarily and with free will of the parties.

8. It would thus 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.

9. For the reasons recorded above, the present petition is allowed. FIR No.0032 dated 14.03.2018, under Sections 323, 452, 506, 34 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Division E, District Police Commissionerate Amritsar *qua* the petitioners stands quashed.

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

(ARUN MONGA)
JUDGE

September 18, 2023
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

¹Criminal Appeal No.1489 of 2012