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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-32363-2023 (O&M)****Date of decision: 10.10.2023**

Parminder Singh

....Petitioner

versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Shvetanshu Goel, Advocate for petitioner.

Mr. Hakam Singh, AAG, Punjab.

Mr..A.S.Saini, Advocate,
For respondent No.2.

ARUN MONGA, J. (ORAL)

Petition herein is under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') seeking quashing of FIR No.82 dated 19.06.2013, registered under Sections 419, 420, 465, 467, 468, 471, 120-B of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station, Bhagwanpura, District Moga, along with judgment of conviction and order of sentence dated 27.02.2023 passed by learned Sub Divisional Judicial Magistrate, Baghapurana, along with all consequential and subsequent proceedings, in view of compromise deed dated 09.07.2022 (Annexure P-2), which is stated to have been arrived at between the parties.

2. Since quashing was sought on the basis of compromise, this Court on 21.07.2023 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.

3. Placed on record is a report dated 06.09.2023 of learned Sub Divisional Judicial Magistrate, Baghapurana. A perusal of the same would reveal that the statements of complainant /respondent No.2 as also of the accused/present petitioner

herein have been duly recorded and it has been opined that a compromise has been arrived and the same is with their free will and without any fear, coercion or undue influence. The report is accompanied by the statements of the parties which were duly recorded.

4. Learned counsel appearing on behalf of respondent No.2/complainant also makes a statement that the compromise having been effected, he would have no objection to the quashing of the FIR in question as well as setting aside of the judgment/ order of conviction/ sentence dated 27.02.2023.

5. In view of decision of this Court rendered in **Sube Singh and another versus State of Haryana**¹, criminal proceedings can be quashed on the basis of compromise, even when the appellant/petitioner has already been convicted/ sentenced vide judgment/ order of conviction/ sentence dated 27.02.2023.

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 of this Court rendered in **Sube Singh's case (supra)**, decision dated 29.09.2021 of the Supreme Court in case titled **Ramgopal and anr. V. The State of Madhya Pradesh**² and a Full Bench decision of this Court in **Kulwinder Singh and others V. State of Punjab and others**³.

7. Adverting back to the facts of the present case, it is apparent that compromise has been arrived at between the parties with their free will and without any fear, coercion or undue influence.

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.82 dated 19.06.2013, registered under Sections 419, 420, 465, 467, 468, 471, 120-

¹2013 (4) R.C.R. (Criminal) 102

²Criminal Appeal No.1489 of 2012

³2007 (3) RCR (Criminal) 1052

B of the Indian Penal Code, 1860 (for short ‘IPC’), at Police Station, Bhagwanpura, District Moga along with consequential and subsequent proceedings, including impugned judgment/ order of conviction/ sentence dated 27.02.2023*qua* the petitioner stands quashed.

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

(ARUN MONGA)
JUDGE

10.10.2023
vandana

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