

CRM-38602-2023 IN/AND
CRM-M-38009-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRM-38602-2023 IN/AND
CRM-M-38009-2023 (O&M)
Date of decision: September 25, 2023**

Aditya Chopra @ Advitiya Chopra and another

....Petitioners

versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Varun Goyal, Advocate for petitioners.

Mr. Dhruv Dayal, Additional AG Punjab.

Mr. Monty Goyal, Advocate for
Mr. Simarpreet, Advocate for respondent No.2.

ARUN MONGA, J. (ORAL)

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Application herein is for preponing the date of hearing which is slated for 02.11.2023.

For the reasons stated in application, same is allowed. Next date of hearing is preponed and the same is taken on Board for hearing today itself. Next date of hearing i.e., 02.11.2023 stands cancelled.

Main case (O&M)

Petition herein is under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') seeking quashing of FIR No.68 dated 19.03.2018, under Sections 406, 420, 120-B of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station, Sadar Nakodar, and all subsequent proceedings, on the basis of compromise dated 27.07.2023 (Annexure P-9), which is stated to have been arrived at between the parties. Further seeking setting aside of order dated 25.07.2019 (Annexure P-7) whereby petitioner No.1 has been declared a proclaimed offender in FIR in question, on the basis of compromise *ibid*.

2. Since quashing was sought on the basis of compromise, this Court on 07.08.2023 had directed the parties to appear before the trial Court/ *Illaga* Magistrate for recording of their statements in support of the compromise. A veracity report was also called for. It was also ordered by this Court vide order dated 07.08.2023 that in case petitioners appear before learned trial Court for recording their statements, they shall be admitted to bail in pending P.O. proceedings.

3. Placed on record is a report dated 18.09.2023 of learned Sub Divisional Judicial Magistrate, Nakodar. 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 and valid. It is further reported by learned Magistrate that *apropos* order dated 07.08.2023 passed by this Court, petitioner No.1 had furnished bail bonds on 18.08.2023. Learned Magistrate further reported that there were three accused in the present case out of whom accused Chetan Kumar Chopra has since expired. The report is accompanied by the statements of the parties which were duly recorded.

4. Learned counsel appearing on behalf of 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 and order dated 25.07.2019 declaring petitioner No.1 as a proclaimed offender.

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 and a Full Bench decision of this Court in **Kulwinder Singh and others V. State of Punjab and others**².

¹Criminal Appeal No.1489 of 2012

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6. 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.
7. 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.
8. For the reasons recorded above, the present petition is allowed. FIR No.68 dated 19.03.2018, under Sections 406, 420, 120-B of the Indian Penal Code, 1860 (for short ‘IPC’), registered at Police Station Sadar Nakodar, and all subsequent proceedings *qua* the petitioners, and order dated 25.07.2019 (Annexure P-7) whereby petitioner No.1 has been declared proclaimed offender, stand quashed.
9. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

September 25, 2023
mahavir

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