

265

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-42570-2022 (O&M)****Date of decision: 24.07.2023****Gourav @ Gorav Kumar****...Petitioner****Versus****The State of Punjab and others****...Respondents****CORAM: HON'BLE MR. JUSTICE ARUN MONGA****Present:-** Mr. Vipul Aggarwal, Advocate,
For the petitioner.

Mr. Virat Rana, AAG, Punjab.

Mr. Pardeep Rajput, Advocate,
For respondents No.2 to 4.**ARUN MONGA, J. (ORAL)**

The instant petition has been filed under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') seeking quashing of FIR No.94 dated 09.10.2019 (Annexure P-1), registered under Sections 323, 457, 380, 427, 506, 148 read with Section 149 of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station Division D, District Police Commissionerate Amritsar and subsequent proceedings thereto, on the basis of compromise in the form of affidavit dated 08.09.2022 (Annexure P-2) which is stated to have been entered into between the parties.

2. Since quashing was sought on the basis of compromise, this Court on 16.09.2022 had directed the parties to appear before the *Illaqa* Magistrate concerned 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 13.02.2023 of learned Judicial Magistrate 1st Class, Amritsar and a perusal of the same would reveal that the statements of the complainant/respondents No.2 to 4 as also of the accused/present petitioners herein have been duly recorded and it has been opined that a compromise has been arrived and is authentic, genuine, voluntary and out of

free will of the parties. The report is accompanied by the statements of the parties which were duly recorded.

4. Learned counsel appearing on behalf of respondents No.2 to 4 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 and a Full Bench decision of this Court in *Kulwinder Singh and others V. State of Punjab and others*².

6. Adverting back to the facts of the present case, it is apparent that the complainant/respondent and accused/petitioners are known to each other and compromise has been arrived at between the parties voluntary and 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.94 dated 09.10.2019 (Annexure P-1), registered under Sections 323, 457, 380, 427, 506, 148 read with Section 149 of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station Division D, District Police Commissionerate Amritsar and all proceedings emanating therefrom *qua* the petitioners stand quashed.

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

JULY 24, 2023

Shalini

Whether speaking/reasoned:

Whether reportable:

(ARUN MONGA)

JUDGE

Yes/No

Yes/No

¹Criminal Appeal No.1489 of 2012

SHALINI BHATIA²2007 (3) RCR (Criminal) 1052

2023.08.10 11:15

I attest to the accuracy and
integrity of this order/ judgment