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

CRM-M-55398-2022 (O&M)

Date of Decision: 10.03.2023

MALKIAT SINGH AND ANOTHER

..... PETITIONERS

VS

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. M.S.Batth, Advocate
for the petitioners.

Mr. Sanish Girdhar, AAG, Punjab.

Mr. S.S.Gill, Advocate for
Mr. Neeraj Malhotra, Advocate for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 482 Cr.P.C. for quashing FIR No.0083 dated 21.05.2022 (Annexure P-1) under Section 420 IPC registered at Police Station City Rupnagar, District Rupnagar along with all consequential proceedings arising therefrom on the basis of compromise dated 11.11.2022 (Annexure P-2) effected between the parties.

Vide order dated 30.11.2022 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate on 14.12.2022 to get their statements recorded regarding the compromise arrived at, between them.

Report has since been received from learned Chief Judicial Magistrate, Rupnagar, in pursuance of the direction of this Court, wherein, the factum of the compromise arrived at between the parties stands verified and confirmed. As per the report, compromise has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will and the complainant has also made statement to the effect that she would have no objection if the FIR qua the accused-petitioners is quashed.

The trial Court has annexed a copy of the statements of the parties, alongwith its report.

Learned State counsel submits that the petitioners are seeking partial quashing of the FIR in question qua them to the exclusion of the third accused namely, Mangal Singh. Learned State counsel submits that all the three accused are identically placed, however, the compromise had been arrived at only between the complainant and both the petitioners therefore the FIR in question could not be partially quashed.

Per contra, learned counsel for the petitioner submits that the petitioners are placed differently than the third accused who is not a party to the compromise as the petitioners have already returned the amount in question whereas the third accused had not done so. The said fact of return of money by both the petitioners to the complainant has not been controverted by the learned State counsel.

In view of the report of the learned Chief Judicial Magistrate, Rupnagar and the principles laid down by the Apex Court in '**Gian Singh Vs. State of Punjab and others**' (2012) 10 SCC 303, and also by the Full Bench of this Court in '**Kulwinder Singh and others v. State of Punjab and another**' 2007 (3) RCR (Criminal) 1052, the instant petition is

allowed. The aforesaid FIR and all consequential proceedings arising out of it, are quashed only qua the petitioners.

Needless to say, the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

(MANJARI NEHRU KAUL)
JUDGE

10.03.2023
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>