

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

Sr. No.263

**CRM-M-12740-2022 (O&M)**

**Date of decision : 29.01.2024**

Tarun Vats and another

..... Petitioners

VERSUS

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Ms. Varsha Sharma, Advocate, for the petitioners.

Mr. Jashandeep Singh, AAG, Punjab.

Mr. Shivam Garg, Advocate, for respondent No.2.

None for applicant in CRM-17046-2022.

\*\*\*\*\*

**KULDEEP TIWARI, J. (Oral)**

**CRM-17046-2022**

1. This is application seeking impleadment of applicant-Beena Chauhan as respondent No.3 in the instant petition.

2. A bare perusal of the instant application shows that the applicant is complainant in another FIR No.86, dated 17.06.2021, registered under Sections 420, 406, 120-B IPC, at Police Station Sadar, Ropar, whereas, the present petition seeking quashing of a different FIR No.301, dated 14.08.2021, registered under Sections 420, 120-B IPC, at Police Station City Kharar, District S.A.S. Nagar (Mohali) on the basis of compromise.

3. In view of the above, the instant application is dismissed, as the applicant is not necessary party to the present petition, seeking quashing of FIR No.301, dated 14.08.2021, registered under Sections 420, 120-B IPC at Police Station City Kharar, District S.A.S Nagar (Mohali) on the basis of compromise.

**CRM-M-12740-2022**

4. The instant petition filed under Section 482 of the Cr.P.C., proffers the hereinafter extracted relief, as craved by the petitioners, inasmuch as, quashing of the FIR No.0301 dated 14.08.2021, under Sections 420 and 120-B IPC, registered at Police Station City Kharar, District SAS Nagar (Mohali) along with all the consequential proceedings arising therefrom, on the basis of a compromise dated 15.03.2022 (Annexure P-2), as entered into *inter se* the petitioners and the respondents No.2 and 3/complainants.

5. Upon an affirmative response from the learned counsel for the respondents No.2 and 3/complainants *qua* the compromise (Annexure P-2) a **Co-ordinate Bench of this Court had**, through an order drawn on 28.03.2022, upon the instant petition, directed the parties to appear before the learned trial Court/Illaq Magistrate concerned, for getting their respective statements recorded *qua* authenticity of the compromise (Annexure P-2). Moreover, the learned trial Court/Illaq Magistrate concerned was also directed to send a report in the above regard.

6. Consequent to the making of the directions (*supra*), the parties appeared before the Sub Divisional Judicial Magistrate, Kharar and got their respective statements recorded, thereby authenticating the compromise

Court, a Report bearing No.402 dated 14.05.2022 has been received from the Sub Divisional Judicial Magistrate, Kharar, wherein, a satisfaction has been recorded by the Sub Divisional Judicial Magistrate, Kharar *qua* the compromise (supra) being drawn in a genuine and voluntary manner, without any coercion or undue influence.

7. Learned counsel for the respondents No.2 and 3, submits that the alleged money, was transferred from the account of mother of the respondent No.2-Bhanu Rana. She has also sworn an affidavit which is on record, and the same is admitted by counsel for the respondents No.2 and 3/complainants wherein, she extends no objection to the quashing of the present FIR, on the basis of compromise.

8. I have heard counsel for the parties and gone through the case file.

9. A Co-ordinate Bench of this Court, in **CRM-M-25669-2020 (O&M)**, titled **“Abhishek Singh & others V/s State of Punjab & others”**, **Pronounced on: 07.04.2022**, while granting a similar relief, as craved in the instant petition, has observed as under:-

*“9. The following aspects would be relevant to conclude this petition:-*

*a) The accused and the private respondents have amicably settled the matter between them in terms of the compromise deed and the statements recorded before the concerned Court;*

*b) A perusal of the documents reveal that the settlement has not been secured through coercion, threats, social boycotts, bribes, or other dubious means;*

*c) The victim has willingly consented to the nullification of criminal proceedings;*

*d) There is no objection from the private respondents in case present FIR and consequent proceedings are quashed;*

*e) In the given facts, the occurrence does not affect public peace or tranquillity, moral turpitude or harm the social and moral fabric of the society or involve matters concerning public policy;*

*f) The rejection of compromise may also lead to ill will. The pendency of trial affects career and happiness;*

*g) There is nothing on the record to prima facie consider the accused as an unscrupulous, incorrigible, or professional offender;*

*h) The purpose of criminal jurisprudence is reformatory in nature and to work to bring peace to family, community, and society;*

*i) The exercise of the inherent power for quashing the conviction, sentence and all previous proceedings is justified to secure the ends of justice.”*

10. In the light of the hereinabove recorded aspects and considering the fact that the offences, for which the petitioners/accused **have** been charged, are not grave in nature, as also in view of the law laid down in ***Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543*** and ***Kulwinder Singh and others Vs. State of Punjab 2007(3) RCR (Criminal) 1052***, the present petition for quashing the FIR (supra) is hereby allowed.

11. Resultantly, FIR No.0301 dated 14.08.2021, under Sections 420 and 120-B of IPC, registered at Police Station City Kharar District SAS Nagar (Mohali), along with all the consequential proceedings arising therefrom, are hereby quashed, on the basis of the compromise dated 15.03.2022 (Annexure P-2).

29.01.2024

Ramandeep Singh

Whether speaking / reasoned

Yes/No

Whether Reportable

Yes/No