

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

275

CRM-M-34913-2021 (O&M)
Date of decision: 02.04.2024

VARINDER KUMAR @ LUCKY

...Petitioner

Versus

STATE OF PUNJAB AND ANR

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Gaurav Pratap S. Pathania, Advocate
for the petitioner.

Mr. D.B. Singh, Sr. DAG, Punjab.

Mr. Nagesh Paul, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN , J. (ORAL)

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.213 dated 13.10.2020, under Sections 341, 354, 506 and 509 IPC registered at Police Station Division No.2, District Pathankot (Annexure P-1), on the basis of compromise deed dated 13.07.2021 (Annexure P-2) arrived at between the parties.

[2] Learned counsel for the petitioner *inter alia* contends that the present FIR was registered due to misconception and misunderstanding between the parties. He further contends that the parties have resolved their misunderstanding and a written compromise dated 13.07.2021 (Annexure P-2) has been effected between them. He submits that the parties are residing in the same district and

matter has been compromised between them, as such respondent No.2 does not want to take any action in the present FIR.

[3] Learned counsel appearing on behalf of respondent No.2 has confirmed the factum of compromise between the parties.

[4] On 07.12.2022 and 11.04.2023, the parties were directed to appear before the Illaqa/Duty Magistrate for recording of their statements regarding the compromise.

[5] As per the report dated 15.05.2023, received from the Judicial Magistrate, Ist Class, Pathankot through the District & Sessions Judge, Pathankot, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. No other case is pending against the present petitioner and he has not been declared "Proclaimed Offender".

[6] Learned State counsel has not raised any objection regarding the acceptance of the present petition. He has informed that after the completion of the investigation, final report under Section 173 Cr.P.C. has been presented before the trial Court and charges have also been framed. He has further informed that none of the prosecution witnesses have been recorded.

[7] Keeping in view the facts and circumstances of the case and the fact that the petitioner and respondent No.2 are residents of same district and they want to give quietus to the matter and the fact that compromise between the parties is genuine and voluntarily made and in view of the ratio of the decision of Hon'ble Apex Court in **Gian Singh Versus State of Punjab (SC) 2012 (4) RCR (Criminal) 543** and the decision of Hon'ble the Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others 2007 (3) RCR (Criminal) 1052**, the ends of justice would meet if the FIR and consequential proceedings are quashed

by accepting the compromise between the parties.

[8] Consequently, this petition is allowed and FIR No.213 dated 13.10.2020, under Sections 341, 354, 506 and 509 IPC registered at Police Station Division No.2, District Pathankot (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[9] However, the respondent No.2 and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise (Annexure P-2) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

02.04.2024

P.Bhatt

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