

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

**Crl. Misc. No.M-4299 of 2015
Date of decision : 24.03.2015**

Palwinder Singh @ Parminder Singh & anotherPetitioners

versus

State of Punjab & others ...Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. B.S. Baath, Advocate for the petitioners.

Mr. P.S. Grewal, DAG, Punjab.

Mr. B.S. Kathuria, Advocate for respondents No.2 and 3.

NAVITA SINGH, J

This is a petition under Section 482 of the Code of Criminal Procedure for quashing FIR No.250 dated 15.12.2009, under Sections 148, 323, 324, 326, 452 read with Section 149 of the Indian Penal Code, registered at Police Station Civil Lines Batala, District Batala (Annexure P-1) on the basis of compromise dated 12.07.2011 (Annexure P-2), along with all consequential proceedings arising from that FIR.

In terms of order dated 29.11.2014 (Annexure P-5) cancellation report submitted by the police in FIR No.250 dated 15.12.2009 under Sections 148, 323, 324, 326, 452 read with Section 149 of the IPC, P.S. Civil Lines, Batala was not accepted and further investigation was ordered to be held.

The Investigating Officer, ASI Balwinder Singh is present. It

is stated that even during further investigation, no material was found against the petitioners. Three persons are accused out of whom Jagdish Singh is stated to have died on 08.12.2011.

Earlier, a similar petition by way of CRM-M-3092 of 2014 was filed in which the State had submitted that a cancellation report was being filed and, therefore, an order was passed on 21.07.2014 that no cause survived to the petitioners in view of the fact that cancellation report was likely to be presented by the police. The petitioners were, however, given liberty to file a fresh petition in case any cause survived to them.

Since the cancellation report was not accepted by the Court, the petitioners filed the present petition for quashing the FIR on the basis of the same compromise as before.

It may also be pointed out that in the other petition previously filed, statements of the parties concerned had been recorded by the Judicial Magistrate First Class, Batala on 07.02.2014 and he had also submitted a report that the parties were making their statements voluntarily before him.

In view of the facts delineated above and the facts that the Investigating Officer is present and has submitted that even on further investigation, no evidence could be collected against the petitioners, it is felt that the petition should be accepted. In view of this, there should not be any impediment in allowing the parties to compromise the matter. Support to this view can be had from the authority **Kulwinder Singh & ors. Vs. State of Punjab & ors., 2007 (3) RCR (Criminal) 1052.**

In view of the above, the petition is accepted. The above-said

FIR and the proceedings connected therewith are hereby quashed.

Disposed of.

24.03.2015
Vinay

(NAVITA SINGH)
JUDGE