

CRM-M No.17554 of 2016(O&M)
Date of decision: 26.10.2016

Gurdas Singh

...Petitioner

Versus

State of Punjab

...Respondent.

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Narinder S. Lucky, Advocate, for the petitioner.

Mr. R.P.S.Sidhu, AAG, Punjab.

JASPAL SINGH J. (ORAL)

The instant petition preferred under Section 482 of the Code of Criminal Procedure by Gurdas Singh-petitioner/author of FIR No.112 dated 05.07.2009 under Sections 324, 323 and 341 IPC, registered at Police Station Division 5, Jalandhar.

In response to the issuance of notice of motion, reply by way of an affidavit Dalbir Singh (PPS) Assistant Commissioner of Police West, Jalandhar has been filed.

A perusal of the preliminary submissions made in para Nos. 1 and 2 of the aforesaid reply-cum-affidavit, it is crystal clear that the above referred FIR was registered on the basis of statement of Gurdas Singh-petitioner against Manjit Singh whereas a cross version FIR was registered on the basis of statement of Manjit Singh against Gurdas Singh-petitioner. However, after the registration of the cross version as well as the FIR, both the parties arrived at compromise.

In view of the said compromise, cancellation report was prepared after approval from the Commissioner of Police, Jalandhar, it was presented in the Court of Jurisdiction Magistrate, Jalandhar on 23.11.2010.

Subsequent thereto, the file is stated to have been misplaced and the necessary departmental enquiry pending against the concerned official. Since, the parties have already patched up the matter, it would be undesirable to continue the proceedings in the aforesaid FIR, rather it would be an abuse of the process of law.

Accordingly, instant petition stands allowed and FIR No.112 dated 05.07.2009 under Sections 323, 324 and 341 IPC, registered at Police Station Division 5, Jalandhar stands quashed.

October 26, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No