

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.261

CRM-M-1104-2016

Decided on : 23.05.2017

Kuldip Singh and others

..... Petitioners

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.D.S.Gurna, Advocate, for the petitioners.

Mr.K.S.Sidhu, DAG, Punjab.

Mr.B.S.Saini, Advocate, for respondent No.4.

DEEPAK SIBAL, J. (ORAL)

Through this petition, quashing of FIR No.146, dated 25.11.2011, registered under Sections 465, 467, 468, 471, 420, 511 and 120-B IPC, at Police Station Lalru, District Mohali, alongwith all subsequent proceedings arising therefrom, is sought for on the basis of compromise.

Through order of this Court dated 10.11.2016, the parties were directed to appear before the trial Court for recording their statements with regard to compromise, who in turn was directed to record the statements of both the parties to its satisfaction and send a report to this Court clearly opining therein with respect to the veracity of the compromise and to intimate whether any other case or PO proceedings are pending against either of the parties.

As directed, report dated 01.05.2017 from the Judicial Magistrate Ist Class, Dera Bassi, has been received, as per which the parties have recorded their statements before the trial Court in terms of the compromise arrived at between them and the accused are never declared as proclaimed offenders.

Learned State counsel has also no objection if the present petition

is allowed.

In view of the above as also for the reasons that the dispute is between the siblings over the Will of their father; the offence not being heinous and that the compromise having been effected between them at the stage of the trial, continuation of the proceedings in pursuance to the afore-referred FIR, would be an abuse of the process of law and in terms of the law laid down by the Full Bench of this Court in "*Kulwinder Singh and others versus State of Haryana and others*", 2007(3) RCR (Criminal) 1052, I deem it just and proper to allow the petition and resultantly quash FIR No.146, dated 25.11.2011, registered under Sections 465, 467, 468, 471, 420, 511 and 120-B IPC, at Police Station Lalru, District Mohali, and all proceedings arising therefrom.

23.05.2017
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[DEEPAK SIBAL]
JUDGE

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