

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

Sr. No.261

**CRM-M No.14997 of 2015
Date of decision: 23.02.2017**

Bharat Bhushan @ Kaka and another

....Petitioners

versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. J.S. Dadwal, Advocate
for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. S.S. Dhaliwal, Advocate
for respondents No.2 to 4.

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DEEPAK SIBAL, J. (Oral)

Through the present petition filed under Section 482 Cr.P.C., quashing of FIR No.120 dated 23.04.2011, registered under Sections 323, 324, 148, 149 IPC, at Police Station Basti Bawa Khel, Jalandhar, is sought for on the basis of compromise (Annexure P-2).

On 17.08.2015, this Court had passed the following order:-

“Petitioner along with one another has been involved in a case of assault on the complainant Pankaj Kumar, respondent No.2.

The parties are present in the Court and stated that the matter has been compromised.

A perusal of the record indicates that one Prince

named in the FIR has never appeared before the Court. To avoid partial quashing of FIR, in the interest of justice, it is ordered that the petitioners along with Prince may appear before the trial Court on the date fixed. The trial Court shall record the statements of the parties regarding the matter having been compromised. A report will be sent to this Court by the trial Court that the matter has been compromised without any coercion, threat or undue influence. It is made clear that in case Prince appears before the trial Court, the trial Court before recording his statement will release him on bail and send a report regarding the matter having been compromised voluntarily. The statement may be got recorded on the date fixed or on any other date convenient to the Court.

For report and final disposal, to come up on 1.12.2015.”

In terms of the afore-quoted order of this Court, as directed, report dated 29.09.2015 from the Judicial Magistrate, Ist Class, Jalandhar, has been received, as per which the parties recorded their statements before the trial Court in terms of the compromise arrived at between them and there is no person namely Prince involved in the present case and even no such person is in existence.

Learned State counsel has also raised no objection.

In view of the above, continuation of the proceedings in pursuance to the afore-referred FIR qua the petitioners 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 the FIR No.120 dated 23.04.2011,

registered under Sections 323, 324, 148, 149 IPC, at Police Station Basti Bawa Khel, Jalandhar, and all proceedings arising therefrom qua the petitioners.

(DEEPAK SIBAL)
JUDGE

February 23, 2017

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- (i) Whether speaking/reasoned Yes/No*
- (ii) Whether reportable Yes/No*