

CRM-M No.2857 of 2017

Date of Decision: 27.03.2017

Prem Kumar and others

... Petitioners

Versus**State of Punjab and another**

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBALPresent: Mr. Neeraj Madaan, Advocate
for the petitioners.Mr. Neeraj Sharma, AAG, Punjab
for respondent No.1-State.

None for respondent No.2/complainant.

DEEPAK SIBAL J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.13 dated 17.02.2016, registered under Sections 324, 323, 148 and 149 IPC, at Police Station Arniwala, District Fazilka, along with all subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On January 30, 2017, this Court had directed the parties to appear before the trial Court on 03.02.2017 for recording of their respective statements with regard to the compromise/settlement, who in turn was directed to submit a report along with the recorded statements with regard to the veracity of the compromise, if any, between the parties as also to apprise this Court whether the accused were ever declared as proclaimed offender and is there any other case pending against them.

As directed, report dated 16.02.2017 from the Judicial Magistrate, Ist Class, Fazilka has been received, as per which the parties had recorded their statements before the trial Court in terms of the compromise arrived at between them and none of the accused has been declared as a Proclaimed Offender.

Learned State counsel has also raised no objection if the present petition is allowed.

In view of the above, continuation of the proceedings in pursuance of the afore-referred FIR, which pertains to a dispute between the private parties and not heinous in nature, 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 Vs. 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.13 dated 17.02.2016, registered under Sections 324, 323 148 and 149 IPC, at Police Station Arniwala, District Fazilka and all proceedings arising therefrom, qua the petitioners.

March 27, 2017

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**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No