

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

Sr. No.267

CRM-M No.34623 of 2016

Date of decision: 15.05.2017

Narinder Singh and another

....Petitioners

versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. R.S. Malhotra, Advocate, for the petitioners.

Mr. Rajat Bansal, AAG, Punjab.

None for respondent No.2.

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DEEPAK SIBAL, J. (Oral)

Through the present petition filed under Section 482 Cr.P.C., quashing of FIR No.323 dated 02.12.2014, registered under Sections 379/447/506/34 IPC, at Police Station Tanda, District Hoshiarpur, is sought for on the basis of compromise (Annexure P-2).

Through order of this Court dated 02.03.2017, the parties were directed to appear before the Illaqa Magistrate to get their statements recorded, who in turn was directed to send a report to this Court with regard to the veracity of the compromise, if any, between the parties as also to inform the number of persons involved in the present case and whether any of them has been declared as proclaimed offender.

As directed, report dated 06.05.2017, from the Judicial Magistrate Ist Class, Dasuya, has been received, as per which the parties recorded their statements before the trial Court in terms of the compromise arrived at between them, the petitioners are the only accused in the present case and none of them has ever been declared as proclaimed offender.

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

In view of the above as also for the reason that the dispute is between the private parties belonging to the same village; the offence is not heinous; in which the police after investigation has prepared a cancellation report and the matter having been compromised, 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 the FIR No.323 dated 02.12.2014, registered under Sections 379/447/506/34 IPC, at Police Station Tanda, District Hoshiarpur and all proceedings arising therefrom.

(DEEPAK SIBAL)
JUDGE

May 15, 2017
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<i>(i) Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>(ii) Whether reportable</i>	<i>Yes/No</i>