

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 260

CRM-M-41873-2016

Decided on : 25.04.2017

Gurpreet Singh @ Sonu

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Rishu Mahajan, Advocate, for the petitioner.

Mr.Rajat Bansal, AAG, Punjab.

Mr.G.S.Saini, Advocate, for respondent No.2.

DEEPAK SIBAL, J. (ORAL)

Through the present petition, quashing of FIR No.263, dated 29.10.2015, registered under Section 295-A IPC, at Police Station Rama Mandi, Jalandhar, alongwith all subsequent proceedings arising therefrom, is sought for on the basis of compromise.

Through order of this Court dated 24.01.2017, the parties were directed to appear before the Illaqa Magistrate 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, if any, between the parties; whether the accused is ever declared as a proclaimed offender as also is there any other case pending against him.

As directed, report dated 14.02.2017 from the Judicial Magistrate Ist Class, Jalandhar, 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.

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 present dispute is between the private parties in which the investigation is at initial stage; not heinous in nature and the compromise having been effected between them, 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.263, dated 29.10.2015, registered under Section 295-A IPC, at Police Station Rama Mandi, Jalandhar, and all proceedings arising therefrom.

25.04.2017
shamsher

[DEEPAK SIBAL]
JUDGE

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