

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

**CRM-M No.42905 of 2016
Date of Decision: 16.03.2017**

Mangal and others

.... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Vishal Munjal, Advocate
for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab
for respondent No.1-State.

Mr. Vipin Mahajan, Advocate
for respondents No.2 and 3.

DEEPAK SIBAL J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of cross case registered under Sections 452, 326, 379, 148, 149 IPC vide Rapat No.15 dated 02.07.2015 in FIR No.20 dated 27.04.2015, registered under Sections 452, 379, 323, 148 and 149 IPC, at Police Station Tibber, District Gurdaspur, on the basis of compromise (Annexure P-3).

On December 01, 2016, while issuing notice of motion, this Court had directed the parties to appear before the Illaqa Magistrate/trial Court on 19.12.2016 for recording of their respective statements with regard to the compromise/settlement, who in turn was directed to submit a report with regard to the number of persons arrayed as accused in cross-version of the FIR; whether any accused was proclaimed offender and whether the compromise is genuine, voluntary and without any coercion or undue influence.

As directed, report dated 06.01.2017 from the Additional Chief Judicial Magistrate, Gurdaspur 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, the petitioners are the only accused in the present FIR and none of them is declared as Proclaimed Offender.

Learned State counsel has also raised no objection.

In view of the above, continuation of the proceedings in pursuance of the afore-referred FIR in which the allegations pertain to a private dispute between the parties and after investigation, the police has prepared a cancellation report, 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 cross case registered under Sections 452, 326, 379, 148, 149 IPC vide Rapat No.15 dated 02.07.2015 in FIR No.20 dated 27.04.2015, registered under Sections 452, 379, 323, 148 and 149 IPC, at Police Station Tibber, District Gurdaspur and all proceedings arising therefrom, qua the petitioners.

March 16, 2017

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**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No