

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.276

CRM-M-6241-2017

Decided on : 18.05.2017

Harwinder Kaur and another

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Prateek Pandit, Advocate, for the petitioners.

Mr.Rajat Bansal, AAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Through this petition, quashing of FIR No.92, dated 24.05.2016, registered under Sections 323 and 324 IPC (Section 326 IPC added later on), at Police Station Kotwali, District Kapurthala, alongwith all subsequent proceedings arising therefrom, is sought for on the basis of compromise.

Through order of this Court dated 23.02.2017, the parties were directed to appear before the Illaqa Magistrate/trial Court 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; whether the accused are ever declared as proclaimed offenders and if there is any other criminal case pending against them.

As directed, report dated 20.03.2017 from the Judicial Magistrate, Ist Class, Kapurthala, 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 and neither the accused are ever declared as proclaimed offenders nor any other case is pending against them.

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

In view of the above as also for the reasons that the parties are close relatives of each other; the offence not being heinous and that the compromise having been effected between them at the stage of investigation, 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.92, dated 24.05.2016, registered under Sections 323, 324 and 326 IPC, at Police Station Kotwali, District Kapurthala, and all proceedings arising therefrom.

18.05.2017
shamsher

[DEEPAK SIBAL]
JUDGE

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