

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

**CRM-M No.7882 of 2017
Date of Decision: 16.05.2017**

Kuldeep Singh Kanda and others Petitioners

Versus

State of Punjab and others Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Rahul Bhargava, Advocate
for the petitioners.

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

Mr. Ruhani Chadha, Advocate
for respondents No.2 and 3.

DEEPAK SIBAL J. (ORAL)

Through the present petition filed under Section 482 Cr.P.C., the petitioners seek quashing of FIR No.80 dated 10.06.2015, registered under Sections 323, 336, 506, 148, 149, IPC and Sections 25 & 27 of Arms Act (Section 326 IPC added later on), at Police Station B-Division, District Amritsar City along with all consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3).

On March 08, 2017, while issuing notice of motion, this Court had directed the parties to appear before the Illaqa Magistrate on 16.03.2017 for recording of their statements with regard to the genuineness of the compromise, 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 apprise this Court whether the petitioners or any of their co-accused have been declared as proclaimed offender(s) and if there any other case pending against them.

As directed, report dated 24.03.2017 from the Judicial Magistrate, Ist Class, Amritsar has been received, as per which the parties had recorded their statements before the Illaqa Magistrate in terms of the compromise arrived at between them, none of the accused is declared as proclaimed offender and no criminal case against any of the accused is pending.

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 dispute between the parties is private in nature; at the initial stage of investigation; does not pertain to a heinous offence; between the parties, who belong to the same village and that the matter having been compromised, continuation of the proceedings in pursuance of 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 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.80 dated 10.06.2015, registered under Sections 323, 336, 506, 148, 149, IPC and Sections 25 & 27 of Arms Act (Section 326 IPC added later on), at Police Station B-Division, District Amritsar City and all proceedings arising therefrom, qua the present petitioners.

(DEEPAK SIBAL)
JUDGE

May 16, 2017

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No