

**274-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.8178 of 2017
Date of Decision: 16.05.2017**

Balwinder Singh @ Billu and others **..... Petitioners**

Versus

State of Punjab and another **..... Respondents**

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Ruhani Chadha, Advocate
for the petitioners.

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

Mr. Rahul Bhargava, Advocate
for respondent No.2.

DEEPAK SIBAL J. (ORAL)

Through the present petition filed under Section 482 Cr.P.C., the petitioners seek quashing of cross case-Rapat No.13, dated 11.06.2015, registered under Sections 482, 380, 506, 148, 149 IPC in 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-2).

On March 14, 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 has been declared as proclaimed offender(s) and if is 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 accused Prabhjit Singh and Balwinder Singh are also accused in FIR No.73/2015 dated 23.05.2015, registered under Sections 452, 427, 148, 149 and 506 IPC and another FIR No.133, dated 29.09.2015, at Police Station B-Division, Amritsar against accused Balwinder Singh, Ninder Singh, Sarabjit Singh and Prabhjit Singh are pending in this Court.

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 for the reason that the matter having been compromised, without prejudice to the afore-referred other cases pending against the petitioners, continuation of proceedings in pursuance of the cross case-Rapat No.13, dated 11.06.2015, registered under Sections 482, 380, 506, 148, 149 IPC in 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, 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-Rapat No.13, dated 11.06.2015, registered under Sections 482, 380, 506, 148, 149 IPC in 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.

(DEEPAK SIBAL)
JUDGE

May 16, 2017

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No