

**IN THE HIGH COUR OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.249

CRM-M No.10453 of 2016

Date of decision: 26.02.2018

Malkit Singh

....Petitioner

versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: None for the petitioner.

Ms. Luv Inder Sofat, Asstt. A.G., Punjab.

None for respondent No.2.

DEEPAK SIBAL, J. (Oral)

On the basis of the matter having been compromised, the petitioner has filed the present petition under Section 482 Cr.P.C., seeking quashing of FIR No.130, dated 25.11.2014, registered under Sections 279/337/338 IPC, at Police Station Chabbewal, District Hoshiarpur, on the ground that the matter between the petitioner and the complainant has been compromised.

Through order dated 15.11.2016, this Court had directed the parties to appear before the trial court for recording their statements with regard to compromise arrived at between them. The trial court was directed to submit a report on or before the next date of hearing with regard to the genuineness of the compromise between the parties and further that had the petitioner been declared as a proclaimed offender.

As directed, a report dated 16.02.2017 by the Judicial Magistrate Ist Class, Hoshiarpur, has been received in which it has been opined that after recording of statements of the complainant as well as the petitioner, it was found that the compromise arrived at between them is

genuine. It is further stated therein the petitioner has not been declared as proclaimed offender.

Learned State counsel, on instructions from ASI Gurminder Singh, also submitted that the matter between the parties has been compromised; the petitioner is not declared as proclaimed offender and that he has no objection if the present petition is allowed.

In view of the above, continuation of the proceedings in pursuance to the impugned FIR which is based on an accident and that the matter between the parties has been compromised, would be an abuse of the process of law and therefore, 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, this Court is of the opinion that the present petition deserves to be allowed.

Resultantly, the present petition is allowed, FIR No.130, dated 25.11.2014, registered under Sections 279/337/338 IPC, at Police Station Chabbewal, District Hoshiarpur, and all the subsequent proceedings arising therefrom are hereby quashed.

The petition stands allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

February 26, 2018

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(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No