

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.226 (2)

CRM-M-28385-2020

Date of decision: 16.11.2020

Baldev Singh and another

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Gaurav Kalsi, Advocate, for the petitioners.

Mr.H.S.Sitta, AAG, Punjab.

Mr.H.S.Bath, Advocate, for respondent No.2/complainant.

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DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.133 dated 20.05.2020 registered under Sections 326-A and 34 IPC at Police Station Sadar Patti, District Tarn Taran and all subsequent proceedings arising out of it on the basis of the compromise (Annexure P-3).

On 18.09.2020 this Court had directed the parties to appear before the Illaqa Magistrate/Trial Court on 21.09.2020 for recording of their respective statements with regard to the compromise, who in turn was directed to submit a report along with the recorded statements with regard to the veracity of the compromise between the parties as also to apprise this Court whether the accused were ever declared as proclaimed offenders and number of accused involved in this case.

As directed, report dated 05.10.2020 from the Judicial Magistrate, Ist Class, Patti 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; no proclamation proceedings are pending against the petitioners and only the petitioners are arrayed as accused in this case.

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

In view of the above, continuation of the proceedings in pursuance of the afore-referred FIR in which offences are not heinous; dispute is between the relatives residing in the same village; where the investigation is at the initial stage and the matter having been compromised, 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 Punjab and others*, 2007 (3) RCR (Criminal) 1052, I deem it just and proper to allow the petition and resultantly quash FIR No.133 dated 20.05.2020 registered under Sections 326-A and 34 IPC at Police Station Sadar Patti, district Tarn Taran and all proceedings arising therefrom qua the petitioners.

16.11.2020
shamsher

[DEEPAK SIBAL]
JUDGE

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