

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 241

CRM-M-24275-2020

Date of decision : 10.12.2020

Sunil Kumar @ Kaku

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Ritesh Aggarwal, Advocate, for the petitioner.

Mr.Joginder Pal Ratra, DAG, Punjab.

Mr.Jashandeep Singh, Advocate, for respondent No.2.

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.104 dated 14.05.2020 registered under Sections 452, 354, 354-A, 354-B, 354-D, 188, 323 and 506 IPC at Police Station Canal Colony, district Bathinda on the basis of a compromise dated 14.08.2020 (Annexure P-2) entered into between the parties.

On 25.08.2020 this Court had directed the parties to appear before the court below for recording of their respective statements with regard to the compromise within 25 days, who in turn was directed to submit a report along with the recorded statements with regard to the genuineness of the compromise between the parties and if the same is an outcome of voluntariness without any threat, duress or coercion. The court below was further directed to send a report if any of the petitioners has been declared as proclaimed offender or if challan has been presented or not.

As directed, report dated 01.10.2020 from the Chief Judicial Magistrate, Bathinda, has been received, as per which the parties had recorded their statements before the court below in terms of the compromise;

the statements appear to be bonafide, genuine and voluntary which have been suffered by the parties out of their free will and same are not the result of any pressure, undue influence or coercion in any manner and compromise is valid; challan has been presented on 19.08.2020 and that the petitioner has not been declared proclaimed offender.

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 the parties belong to the same city; crime is not heinous; 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, this Court deems it just and proper to allow the petition and resultantly quash FIR No.104 dated 14.05.2020 registered under Sections 452, 354, 354-A, 354-B, 354-D, 188, 323 and 506 IPC at Police Station Canal Colony, district Bathinda and all proceedings arising therefrom qua the petitioner.

10.12.2020

shamsher

[DEEPAK SIBAL]

JUDGE

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