

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

Sr. No.244

CRM-M-25923-2020

Date of decision: 10.12.2020

Nitin Jain and another

....Petitioners

versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. K.S. Saini, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

None 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.269 dated 31.12.2019 registered under Section 420 IPC at Police Station Division No.3, Police Commissionerate, Ludhiana, District Ludhiana and all subsequent proceedings arising out of it on the basis of the compromise dated 04.03.2020 (Annexure P-2).

On 03.09.2020 this Court had directed the parties to appear before the Illaqa Magistrate/Trial Court on 05.10.2020 for recording of their respective statements with regard to the compromise/settlement, 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; number of persons arrayed as accused in the FIR; as also to apprise this Court whether the accused were ever declared as proclaimed offenders; the Trial Court was further directed to record the statement of the Investigating

Officer as to how many victims/complainants are there are in the FIR and if is there any other case pending against them.

As directed, report dated 23.11.2020 from the District and Sessions Judge, Ludhiana 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 other case is pending against the petitioners and also no proclamation proceedings are pending against them.

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 offences are not heinous; 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 the FIR No.269 dated 31.12.2019 under Section 420 IPC registered at Police Station Division No.3, Police Commissionerate, Ludhiana and all proceedings arising therefrom, qua the petitioner.

(DEEPAK SIBAL)
JUDGE

December 10, 2020
Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No