

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

Sr. No.225

CRM-M-27120-2020

Date of decision: 16.11.2020

Sharad Chander and another

....Petitioners

versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Mukesh Kumar Bhatnagar, Advocate
for the petitioners.

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

Mr. S.K. Bawa, Advocate
for respondent No.2.

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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.312 dated 02.07.2020 registered under Sections 341, 323, 34 IPC, at Police Station Islamabad, Amritsar and all subsequent proceedings arising out of it on the basis of the compromise dated 14.07.2020 (Annexure P-2).

On 10.09.2020 this Court had directed the parties to appear before the Illaqa Magistrate/Trial Court on 30.09.2020 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 between the parties as also to apprise this Court the number of persons arrayed as accused and victims in

the FIR; the accused were ever declared as proclaimed offenders and if is there any other case pending against them.

As directed, report dated 06.11.2020 from the Judicial Magistrate Ist Class, Amritsar 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; any petitioners are the accused arrayed in this case; no other case is pending against them 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, which does not pertain to heinous crimes; is between parties who reside in the same area; 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 the FIR No.312 dated 02.07.2020 registered under Sections 341, 323, 34 IPC, at Police Station Islamabad, Amritsar and all proceedings arising therefrom, qua the petitioners.

(DEEPAK SIBAL)
JUDGE

November 16, 2020

Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No