

111 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29030-2020
Date of Decision: 26.11.2020

WASSAN SINGH AND OTHERS

....Petitioners

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.S.S. Aviraj, Advocate for the petitioners
Mr.Amit Mehta, Sr.DAG Punjab
Mr.Himanshu Rao, Advocate for respondent nos.2 to 5

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.39 dated 12.06.2017 registered under Sections 323, 324, 326, 434, 506 and 34 IPC at Police Station Tibber, District Gurdaspur on the basis of compromise dated 24.07.2020 (Annexure P2).

On 22.09.2020, this Court had directed the parties to appear before the Illaqa Magistrate within 30 days 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 as also to apprise this Court whether any of the parties to were ever declared as proclaimed offenders.

As directed, report dated 23.10.2020 from the Judicial Magistrate, Ist Class, Gurdaspur 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 and no proclamation proceedings are pending against any of the parties.

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 pertains to a dispute between the private parties living in the same village; the offences are not heinous; where the trial is at an early 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 the FIR No.39 dated 12.06.2017 registered under Sections 323, 324, 326, 434, 506 and 34 IPC at Police Station Tibber, District Gurdaspur and all proceedings arising therefrom, qua the petitioners.

26.11.2020
gk

(Deepak Sibal)
Judge

Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No