

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

Sr. No.246

CRM-M-30890-2020

Date of decision: 10.12.2020

Kamalpreet Singh

....Petitioner

versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Harinder Singh Sandhu, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Ms. Gurjit Kaur, 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.90 dated 13.05.2020 under sections 457 and 427 IPC registered at Police Station Sadar Patiala, District Patiala and all subsequent proceedings arising out of it on the basis of the compromise (Annexure P-2).

On 01.10.2020 this Court had directed the parties to appear before the Illaqa Magistrate/Trial Court on 02.11.2020 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 as also to apprise this Court whether the accused were ever declared as proclaimed offenders and if is there any other case pending against them.

As directed, report dated 12.11.2020 from the Additional Chief Judicial Magistrate, Patiala 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 dispute is between the parties who are co-villagers; 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.90 dated 13.05.2020 under sections 457 and 427 IPC registered at Police Station Sadar Patiala, District Patiala 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