

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

CRM-M-32163-2020

Date of Decision : 23.11.2020

Ashish Babber @ Matti and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI, JUDGE

Present : Mr. Kamal Narula, Advocate, for the petitioners.

Ms. Bhavna Gupta, DAG, Punjab.

Mr. K.S. Mamrat, Advocate, for respondents No. 2 to 4.

(The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual Court).

ARUN PALLI, J. (Oral):

Vide this petition under Section 482 of the Code of Criminal Procedure, the petitioners pray for quashing the FIR No. 133 dated 6.7.2020, under Sections 452/323/379-B/427/148/149 of the Indian Penal Code, registered at Police Station Guruharsahai, District Ferozepur, and all consequential proceedings, for the dispute between the parties has been resolved and a formal compromise, dated 29.9.2020 (Annexure P-2), in this regard, has since been effected.

Accordingly, this Court, vide order dated 12.10.2020, had required the parties to appear before the trial court/Illaq Magistrate on 29.10.2020, to have their statements recorded qua execution and veracity of the alleged compromise/settlement. Resultantly, post recording the statements of all the affected parties, the Sub Divisional Judicial Magistrate, Guruharsahai, has submitted a report dated 5.11.2020:-

**“As per statement of the parties and in view of the
record, it appears as under:**

1. Total three (3) accused have been arrayed in the FIR;

- 2. No accused is Proclaimed Offender in the case;**
- 3. The compromise between the parties is genuine, voluntary and without any coercion or undue influence;**
- 4. Accused of the present case are not involved in any other case;**
- 5. Challan has not been presented so far in this case.”**

However, what has been brought to the notice of the Court by the learned State Counsel, at this stage, is: that during investigation, the prosecution had found that case against the petitioners was made out only for an offence under Sections 323/34 IPC. Which is compoundable without the permission of the Court. Accordingly, vide DDR entry No.2, dated 21.7.2020, Sections 452/379-B/427/148/149 IPC were deleted. Thus, she submits that in the given circumstances, the petition for quashing of FIR was not even maintainable. Further, she submits that the cancellation report prepared by the concerned SHO has since been approved by the Deputy Superintendent of Police on 04.11.2020, and is now pending approval of the Senior Superintendent of Police, Ferozepur. Thus, she submits that post approval, the prosecution shall submit the cancellation report in Court within a period of two weeks from today.

Faced with this situation, learned counsel for the petitioners submits that let this petition be disposed of, as having been rendered infructuous., in view of the statement made by learned State counsel.

The petition is accordingly disposed of, as infructuous.

(ARUN PALLI)
JUDGE

23.11.2020
AK Sharma

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