

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 230

CRM-M-37669-2020

Date of decision : 17.12.2020

Malkeet Singh @ Kita and others

..... Petitioners

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Ritesh Pandey, Advocate, for the petitioners.

Mr.Sidakmeet Singh Sandhu, AAG, Punjab.

Mr.A.S.Bhatti, Advocate, for respondents No.2 and 3.

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.76 dated 14.08.2019 registered under Sections 323, 324, 326 and 34 IPC at Police Station Kotlu Surat Malhi, Tehsil Batala, district Batala on the basis of a compromise dated 23.09.2019 (Annexure P-2) entered into between the parties.

On 16.11.2020 this Court had directed the parties to appear before the Illaqa Magistrate/Trial Court on 23.11.2020 for recording of their respective statements with regard to the compromise, 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 whether all the accused are party to the compromise; whether any of them have ever been declared proclaimed offender(s) and if is there any other criminal case pending against them.

As directed, report dated 26.11.2020 from the Judicial Magistrate Ist Class, Batala 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; the compromise is genuine, without any pressure, coercion and undue influence; none of the petitioners were declared proclaimed offenders and that no other criminal 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; dispute is between the parties who are co-villagers; 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 FIR No.76 dated 14.08.2019 registered under Sections 323, 324, 326 and 34 IPC at Police Station Kotlu Surat Malhi, Tehsil Batala, district Batala and all proceedings arising therefrom qua the petitioners.

17.12.2020
shamsher

[DEEPAK SIBAL]
JUDGE

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