

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

Sr. No. 217(2)

CRM-M No. 1365 of 2021

Date of decision : 20.12.2021

Swarn Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Shivam Malhotra, Advocate for the petitioners.
Mr. Amandeep Singh Gill, Senior DAG, Punjab.
Mr. Arshit Goel, Advocate for respondents No.2 to 8.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of cross case G. D. No.019 dated 03.05.2020 registered under Sections 323, 324, 341, 506, 148, 149, 188 IPC in FIR No. 76 dated 25.04.2020 registered under Sections 452, 323, 341, 506, 336, 148, 149, 188 IPC and Section 25 of the Arms Act, 1959 (Section 458 IPC added later on) at Police Station Sadar Nabha, district Patiala.

On 12.01.2021, this Court had directed the parties to appear before the Illaqa Magistrate/trial Court 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 P.O. proceedings are pending against any of the accused.

As directed, report dated 02.03.2021 from the Judicial Magistrate First Class, Nabha 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 that no proclamation proceedings are pending against the petitioners.

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; the matter is at the stage of investigation and 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 cross case G.D. No.019 dated 03.05.2020 registered under Sections 323, 324, 341, 506, 148, 149, 188 IPC in FIR No. 76 dated 25.04.2020 registered under Sections 452, 323, 341, 506, 336, 148, 149, 188 IPC and Section 25 of the Arms Act, 1959 (Section 458 IPC added later on) at Police Station Sadar Nabha, district Patiala and all proceedings arising therefrom qua the petitioners.

20.12.2021*sunil yadav***(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No