

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

(Sr. No. 122)

CRM-M No. 5173 of 2020

Date of decision : 19.03.2021

Balwinder Singh @ Balwant Singh & Ors.

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Prince Sharma, Advocate, for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Sunil Kumar, Advocate for respondents No.2 to 4.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 2 dated 03.01.2020 under Sections 323, 326, 341, 355, 148, 149 registered at Police Station Valtoha, district Tarn Taran on the basis of a compromise dated 18.01.2020 (Annexure P-2) entered into between the parties.

On 05.02.2020, 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 any of the accused have ever been declared proclaimed offender(s).

As directed, report dated 01.03.2021 from the Judicial Magistrate, Ist Class, Patti 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/criminal cases 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 offences are not heinous; where the investigation is at an early stage; the parties belong to the same village and also 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.2 dated 03.01.2020 under Sections 323, 326, 341, 355, 148, 149 registered at Police Station Valtaha, district Tarn Taran and all proceedings arising therefrom qua the petitioners.

19.03.2021*sunil yadav***(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No