

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 238

CRM-M-19799-2021 (O&M)

Date of decision : 25.11.2021

Ajaib Singh and others

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Kapil Khanna, Advocate, for the petitioners.

Mr.Saurav Khurana, DAG, Punjab.

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.243 dated 06.12.2020 registered under Sections 323, 324, 341, 34 IPC (Section 326 IPC added later on) at Police Station Goraya, District Jalandhar, on the basis of a compromise dated 15.04.2021 (Annexure P-2) entered into between the parties.

On 19.08.2021 this Court had directed the parties to appear before the Illaqa Magistrate/Trial Court on 02.09.2021 for recording of their respective statements with regard to the compromise, who in turn was directed to submit a report alongwith the recorded statements of the parties, clearly opinion therein with respect to the veracity of the compromise. The Illaqa Magistrate/Trial Court was also directed to apprise the Court whether all the accused are party to the compromise and 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 18.10.2021 from the Judicial Magistrate Ist Class, Phillaur 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, voluntary and has been effected without any pressure, coercion and with the free consent of the parties; all the accused are parties to the compromise; no accused has ever been declared proclaimed offender and no other criminal case is 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 offences are not heinous 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.243 dated 06.12.2020 registered under Sections 323, 324, 341, 34 IPC (Section 326 IPC added later on) at Police Station Goraya, District Jalandhar and all proceedings arising therefrom, qua the petitioners.

25.11.2021
shamsher

[DEEPAK SIBAL]
JUDGE

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