

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 233

CRM-M-29973-2020

Date of decision : 19.01.2021

Shamsher Singh

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.S.S.Nagra, Advocate, for the petitioner.
Mr.Jagmohan Ghumman, DAG, Punjab.
Mr.S.S.Sandhu, Advocate, for respondent No.2/complainant.

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.86 dated 09.08.2019 registered under Sections 323/186/353/295-A IPC at Police Station Khilchain, district Amritsar Rural on the basis of a compromise dated 11.03.2020 (Annexure P-2) entered into between the parties.

On 28.09.2020 this Court had directed the parties to appear before the Trial Court/Illaq Judicial Magistrate on 03.12.2020 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 genuineness of the compromise between the parties.

As directed, report dated 18.01.2021 from the Sub Divisional Judicial Magistrate, Baba Bakala Sahib, Amritsar 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 without any pressure, coercion or undue pressure and the same is genuine one.

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 the initial stage 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.86 dated 09.08.2019 registered under Sections 323/186/353/295-A IPC at Police Station Khilchain, district Amritsar Rural and all proceedings arising therefrom qua the petitioner.

19.01.2021
shamsher

[DEEPAK SIBAL]
JUDGE

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