

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 215

CRM-M-25787-2021

Date of decision : 24.09.2021

Gagandeep Singh and others

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

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

Mr.J.S.Ghumman, DAG, Punjab.

None for respondent No.2.

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.42 dated 08.04.2021, registered under Sections 452, 323, 341, 506, 427 and 34 IPC at Police Station Talwandi Chaudrian, District Kapurthala, on the basis of a compromise dated 15.04.2021 (Annexure P-2) entered into between the parties.

On 08.07.2021 this Court had directed the parties to appear before the Illaqa Magistrate/Trial Court on 03.09.2021 for recording of their respective statements with regard to the compromise, who in turn was directed to submit a report on or before 24.09.2021 along with the number of the accused arraigned in the FIR and how many of them have appeared and have made statements qua the compromise; whether any accused is absconding or has been declared PO/Proclaimed Person in this case; the name(s) of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise; the stage of the trial/proceedings; whether the compromise is genuine, voluntary and has been arrived at between the parties out of their free will and that whether any other criminal case is pending against any of the accused.

As directed, report dated 10.09.2021 from the Judicial Magistrate Ist Class, Sultanpur Lodhi 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; only the petitioners are arraigned as accused; none of them have been declared proclaimed offender nor any proceedings for declaring them PO are pending; the sole complainant/injured-Ajitpal Singh had appeared before the Trial Court and got recorded his statement in support of the compromise; the investigation is at an early stage; the parties are close relatives and have compromised the matter which is genuine, voluntary, out of free will and is not the result of any threat, pressure or undue influence in any manner and that no criminal case is pending against any of the accused persons.

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; parties being close relatives and residing in the same village, the investigation is at the early stage as 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.42 dated 08.04.2021, registered under Sections 452, 323, 341, 506, 427 and 34 IPC at Police Station Talwandi Chaudrian, District Kapurthala and all proceedings arising therefrom, qua the petitioners.

24.09.2021
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[DEEPAK SIBAL]
JUDGE

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