

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.242

CRM-M-26980-2021

Date of decision: 06.09.2021

Surinder Singh and another

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Amit Arora, Advocate, for the petitioners.

Mr. Jagmohan Singh Ghumman, DAG, Punjab.

Mr. P.S. Kanwar, Advocate, for respondent No.2.

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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.20 dated 30.01.2021 under Sections 326, 323, 34 IPC registered at Police Station Sirhali, District Tarn Taran and all subsequent proceedings arising therefrom on the basis of the compromise (Annexure P-3).

On 15.07.2021 this Court had directed the parties to appear before the Illaqa Magistrate on 27.07.2021 for recording of their respective statements with regard to the compromise/settlement, who in turn was directed to submit a report along with the recorded statements with regard to the veracity of the compromise, if any, between the parties.

As directed, report dated 06.08.2021 from the Judicial Magistrate First Class, Tarn Taran has been received, as per which the parties had recorded their statements before the Illaqa Magistrate in terms of the compromise arrived at between them and none of the petitioners have

ever been declared proclaimed offender.

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 dispute is between the real brothers; investigation is at the initial stage 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 the FIR No.20 dated 30.01.2021 under Sections 326, 323, 34 IPC registered at Police Station Sirhali, District Tarn Taran and all proceedings arising therefrom, qua the petitioners.

September 06, 2021
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No