

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 234

CRM-M-28395-2021

Date of decision : 07.09.2021

Jaswinder Singh Sain

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Ms.Dhivya Jerath, Advocate, for the petitioner.

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

Mr.J.S.Rana, Advocate, for the respondent No.2/complainant.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.52 dated 02.05.2021 registered under Section 420 IPC at Police Station City Balachaur, District SBS Nagar, Punjab on the basis of a compromise entered into between the parties.

On 22.07.2021 this Court had directed the parties to appear before the Trial Court/Illaq Magistrate on 02.08.2021 or any other date convenient to the Court for recording of their respective statements with regard to the compromise, who in turn was directed to submit a report along with regard to the number of persons arrayed as accused in FIR; whether any accused is proclaimed offender; whether the compromise is genuine, voluntary and without any coercion or undue influence; whether the accused persons are involved in any other case or not and the current stage of the case. The Trial Court/Illaq Magistrate was also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

As directed, report dated 16.08.2021 from the Sub Divisional Judicial Magistrate, Balachaur has been received, as per which the complainant- Harbhajan Kaur is the only victim in the present FIR; neither any of the parties were declared proclaimed offender (P.O.) in this case nor any P.O. proceedings are pending against any of the parties; in this case challan has not been filed; the compromise is genuine, voluntary, without any coercion, undue influence and the same has been effected with the free will and consent of the parties.

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 where the investigation is at the initial stage; the offence is compoundable 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.52 dated 02.05.2021 registered under Section 420 IPC at Police Station City Balachaur, District SBS Nagar, Punjab and all proceedings arising therefrom, qua the petitioner.

07.09.2021
shamsher

[DEEPAK SIBAL]
JUDGE

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