

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 233 (2)

CRM-M-30209-2021

Date of decision : 29.09.2021

Dalip Kumar @ Deepa and others

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Satnam Singh, Advocate, for
Mr.R.S.Khinda, Advocate, for the petitioners.
Mr.J.S.Ghumman, DAG, Punjab.
Mr.T.P.S.Makkar, Advocate, 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 DDR No.46, dated 23.01.2021, registered under Sections 323, 324, 34 IPC (Section 326 IPC added later on) in FIR No.18 dated 23.01.2021, registered under Sections 323, 324 and 34 IPC (Section 326 IPC added later on) at Police Station City Kapurthala, District Kapurthala, on the basis of an affidavit/compromise dated 02.06.2021 (Annexure P-3) entered into between the parties.

On 03.08.2021 this Court had directed the parties to appear before the Illaqa Magistrate/Trial Court for recording of their respective statements with regard to the genuineness of the compromise, who in turn was directed to submit a report as to whether the compromise has been effected between the parties without any undue influence or coercion.

As directed, report dated 27.08.2021 from the Chief Judicial Magistrate, Kapurthala, 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 without any

coercion or undue influence and that none of the accused is 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 offences are not heinous; 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 DDR No.46, dated 23.01.2021, registered under Sections 323, 324, 34 IPC (Section 326 IPC added later on) in FIR No.18 dated 23.01.2021, registered under Sections 323, 324 and 34 IPC (Section 326 IPC added later on) at Police Station City Kapurthala, District Kapurthala and all proceedings arising therefrom, qua the petitioners.

29.09.2021
shamsher

[DEEPAK SIBAL]
JUDGE

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