

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 213

CRM-M-30391-2021

Date of decision : 08.10.2021

Sukhdev Singh

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Davinder Kumar, Advocate, for
Mr.P.K.S.Phoolka, Advocate, for the petitioner.
Mr.H.S.Multani, AAG, Punjab.
Dr.R.P.S.Girwar, 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 FIR No.83 dated 09.08.2018, registered under Sections 447, 511, 434 and 34 IPC, at Police Station Nandgarh, District Bathinda, on the basis of a compromise dated 10.07.2019 (Annexure P-3) entered into between the parties.

On 02.08.2021 this Court had directed the parties to appear before the Illaqa Magistrate/Trial Court on 17.08.2021 for recording of their respective statements with regard to the compromise, who in turn was directed to submit a report whether the parties have entered into compromise voluntarily without any threat or coercion. The Trial Court was also directed to report whether any of the parties has been declared as proclaimed offenders.

As directed, report dated 23.08.2021 from the Judicial Magistrate Ist Class, Bathinda 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 same is genuine and has been effected voluntarily, without any pressure, coercion or undue influence from any quarter; challan has already been presented and no accused has 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 offences are not heinous; the trial 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.83 dated 09.08.2018, registered under Sections 447, 511, 434 and 34 IPC, at Police Station Nandgarh, District Bathinda and all proceedings arising therefrom, qua the petitioner .

08.10.2021
shamsher

[DEEPAK SIBAL]
JUDGE

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