

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.239

CRM-M-34439-2021

Date of decision: 27.10.2021

Nirmal Singh and others

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

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

Ms. Gunkirat Kaur, Asstt. A.G., Punjab.

Mr. Arjun Veer Sharma, 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.104 dated 24.06.2020 under Sections 201, 307, 382, 341, 323, 148, 149, 120-B IPC and Sections 25/27 of the Arms Act, 1959 (Sections 307, 341, 120-B IPC and Section 25/27 of the Arms Act, 1959 deleted later on) registered at Police Station Kotkapura, District Faridkot and all subsequent proceedings arising out of it on the basis of the compromise dated 05.08.2021 (Annexure P-2).

On 24.08.2021 this Court had directed the parties to appear before the Illaqa Magistrate/Trial Court on 01.09.2021 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 also to apprise this Court whether the accused were ever declared as proclaimed offenders and if is there any other case pending against them.

As directed, report dated 11.10.2021 from the District and Sessions Judge, Faridkot 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; no other case is pending against the petitioners and also no proclamation proceedings are pending against them.

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 trial which is yet to begin 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.104 dated 24.06.2020 under Sections 201, 307, 382, 341, 323, 148, 149, 120-B IPC and Sections 25/27 of the Arms Act, 1959 (Sections 307, 341, 120-B IPC and Section 25/27 of the Arms Act, 1959 deleted later on) registered at Police Station Kotkapura, District Faridkot and all proceedings arising therefrom, qua the petitioners.

October 27, 2021
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No