

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M-36072-2021

Date of decision : 22.11.2021

Vijay Kumar and others

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Prateek Pandit, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Barjinder Singh, Advocate
for respondents No.2 to 5.

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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.152 dated 16.12.2020 under Sections 323, 324, 452,
148 and 149 IPC registered at Police Station Subhanpur, District Kapurthala
and all subsequent proceedings arising out of it on the basis of the
compromise.

On 02.09.2021 this Court had directed the parties to appear
before the Illaqa Magistrate/Trial Court on 15.09.2021 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 07.10.2021 from the Judicial Magistrate, Ist Class, 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; 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 investigation is at an early 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.152 dated 16.12.2020 under Sections 323, 324, 452, 148 and 149 IPC registered at Police Station Subhanpur, District Kapurthala and all proceedings arising therefrom, qua the petitioners.

(DEEPAK SIBAL)
JUDGE

November 22, 2021

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No