

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 249

CRM-M-37138-2021

Date of decision : 02.11.2021

Gurpreet Singh and others

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Jashan Mehta, Advocate, for the petitioners.

Mr.Saurav Khurana, DAG, Punjab.

Mr.Abhivrat Arya, 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.234 dated 21.06.2021, registered under Sections 323, 325, 506 and 34 IPC at Police Station Sohana, SAS Nagar on the basis of a written compromise dated 26.08.2021 (Annexure P-2) entered into between the parties.

On 09.09.2021 this Court had directed the parties to appear before the Illaqa Magistrate/Trial Court for recording of their respective statements with regard to the compromise, who in turn was directed to submit a report along with the recorded statements with regard to the veracity of the compromise between the parties as also to apprise this Court whether all the accused are party to the compromise; whether any of them have ever been declared proclaimed offender(s) and if is there any other criminal case pending against them.

As directed, report dated 13.10.2021 from the Judicial Magistrate First Class, SAS Nagar 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, with free consent of the parties, without any fear, undue influence or coercion; all the accused are party

to the compromise and that no proclamation proceedings/criminal cases are pending against the petitioners.

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 and 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.234 dated 21.06.2021, registered under Sections 323, 325, 506 and 34 IPC at Police Station Sohana, SAS Nagar and all proceedings arising therefrom, qua the petitioners.

02.11.2021
shamsher

[DEEPAK SIBAL]
JUDGE

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