

105 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35610-2020
Date of Decision: 07.01.2021

BALRAJ SINGH

....Petitioner

Versus

THE STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.Parminder Singh Rai, Advocate for the petitioner
Mr.Amit Mehta, Sr.DAG Punjab
Mr.Mandeep Singh Bains, Advocate for respondent no.2

Deepak Sibal, J. (Oral)

Case taken up through Video Conferencing.

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.282 dated 24.11.2013 registered under Sections 452, 427, 336, 294, 506, 148, 149 IPC at Police Station Beas, District Amritsar on the basis of a compromise dated 10.09.2020 (Annexure P-2) entered into between the parties.

On 04.11.2020 this Court had directed the parties to appear before the Illaqa Magistrate/Trial Court on 02.12.2020 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. The petitioner was also directed to deposit Rs.1,00,000/- as costs with the Trial Court.

As directed, reports dated 16.12.2020 and 28.12.2020 from Sub

Divisional Judicial Magistrate, Baba Bakala Sahib, Amritsar, have been received as per which the parties had recorded their statements before the Trial Court in terms of the compromise arrived at between them; except the petitioner other arrayed in the FIR have been acquitted and no other criminal case is pending against the petitioner. Costs of Rs.1,00,000/- have also been deposited by the petitioner with the Sub Divisional Judicial Magistrate, Baba Bakala vide receipt No.195 dated 02.12.2020.

Learned State counsel submits that the State has 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; co-accused who are attributed a similar role as the petitioner already stand acquitted 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 FIR No.282 dated 24.11.2013 registered under Sections 452, 427, 336, 294, 506, 148, 149 IPC at Police Station Beas, District Amritsar and all proceedings arising therefrom qua the petitioner.

The District and Sessions Judge, Amritsar will utilise the amount of costs of Rs.1,00,000/- deposited by the petitioner towards providing free legal aid.

07.01.2021
gk

(Deepak Sibal)
Judge

Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No