

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

Sr. No.243

CRM-M-37700-2020

Date of decision: 22.02.2021

Sumit Thapar and another

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Ravi Malhotra, Advocate
for the petitioners.

Mr. Amit Mehta, Sr. DAG, Punjab.

Mr. Ashish Bakshi, Advocate
for respondent No.2.

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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 DDR No.050 dated 07.05.2018 under sections 323, 325 IPC at Police Station Division No. 5, District Jalandhar, recorded in FIR No. 90 dated 08.05.2018 under Sections 323, 341, 148, 149 IPC at Police Station Division No. 5 District Jalandhar and all subsequent proceedings arising therefrom on the basis of the compromise dated 17.05.2020 (Annexure P-3).

On 14.12.2020 this Court had directed the parties to appear before the Illaqa Magistrate/Trial Court on 21.12.2020 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.

As directed, report dated 10.02.2021 from the Judicial Magistrate First Class, Jalandhar 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; trial is at the initial 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 DDR No.050 dated 07.05.2018 under sections 323, 325 IPC at Police Station Division No. 5, District Jalandhar, recorded in FIR No. 90 dated 08.05.2018 under Sections 323, 341, 148, 149 IPC at Police Station Division No. 5 District Jalandhar and all proceedings arising therefrom, qua the petitioners.

(DEEPAK SIBAL)
JUDGE

February 22, 2021
Jyoti 1

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