

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

Sr. No.223

CRM-M-39167-2020

Date of decision: 29.01.2021

Dilbagh Singh and another

....Petitioners

versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. P.K.S. Phoolka, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Davinder Kumar, 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 FIR No.47 dated 28.11.2009 registered under Sections 326, 324, 427, 34 IPC at Police Station Kotti Surat Malli, Police District Batala, District Gurdaspur (Punjab) and all subsequent proceedings arising therefrom on the basis of the compromise dated 10.11.2020 (Annexure P-2).

On 26.11.2020 this Court had directed the parties to appear before the Illaqa Magistrate/Trial Court on 10.12.2020 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, 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 14.12.2020 from the Judicial Magistrate, Ist Class, Batala 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 parties belong to the same village; cancellation report has been submitted by the investigating agency 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.47 dated 28.11.2009 registered under Sections 326, 324, 427, 34 IPC at Police Station Kotti Surat Malli, Police District Batala, District Gurdaspur (Punjab) and all proceedings arising therefrom, qua the petitioners.

(DEEPAK SIBAL)
JUDGE

January 29, 2021
Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No