

CRM-M-39139 of 2020

**235IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-39139 of 2020
Date of decision: 21.01.2021

Vipan Kumar

.....Petitioner

vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Hitesh Chopra, Advocate, for the petitioner.
Mr. Amit Mehta, Sr. DAG, Punjab.
Ms. Harleen Kaur Narula, 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.0093 dated 12.11.2019 under Sections 279, 337, 338 and 427 IPC registered at Police Station Shahpur Kandi, District Pathankot, on the basis of compromise (Annexure P-2).

On November 26, 2020 this Court had directed the parties to appear before the Illaqa Magistrate/Trial Court on 04.12.2020 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 petitioner was ever declared as a proclaimed offender and if is there any other case pending against him.

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As directed, report dated 18.12.2020 from the Chief Judicial Magistrate, Pathankot, 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 present petitioner and also no proclamation proceedings are pending against him.

Learned State counsel submitted that he 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, which pertains to a dispute between the private parties; investigation is at the initial stage; the offence is not heinous 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, I deem it just and proper to allow the petition and resultantly quash the FIR No.0093 dated 12.11.2019 under Sections 279, 337, 338 and 427 IPC registered at Police Station Shahpur Kandi, and all proceedings arising therefrom, qua the petitioner.

January 21, 2021
R.S.

(Deepak Sibal)
Judge

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No