

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 262

CRM-M-374-2022

Date of decision : 05.05.2022

Mahendra Das

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Ms.Manpreet Kaur, Advocate, for the petitioner.

Mr.Saurav Khurana, DAG, Punjab.

Mr.N.S.Gill, Advocate, for respondent No.2.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.106 dated 26.06.2020 registered under Sections 354-A and 354-C IPC at Police Station Anaj Mandi, District Patiala on the basis of a written compromise dated 01.12.2021 (Annexure P-2) entered into between the parties.

On 14.03.2022 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 19.04.2022 from the Judicial Magistrate Ist Class, Patiala 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 same is genuine, voluntary and without any coercion or undue influence; only the petitioner is arrayed as accused, who has not been declared proclaimed offender and against whom no other criminal case is pending.

Learned State counsel 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 offences are not heinous as 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.106 dated 26.06.2020 registered under Sections 354-A and 354-C IPC at Police Station Anaj Mandi, District Patiala and all proceedings arising therefrom qua the petitioner.

05.05.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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