

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

Sr. No.264-2

CRM-M-1492-2020 (O&M)

Date of decision: 03.08.2022

Balwinder Singh and others

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Vishal Munjal, Advocate, for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Sunil Agnihotri, Advocate, for respondent No.2.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of the cross case GD No.45 dated 12.10.2018 registered under Sections 323, 379, 325, 365, 341 and 34 IPC in FIR No.148 dated 10.10.2018 registered under Sections 458, 354-B, 323 and 324 IPC at Police Station Dasuya, District Hoshiarpur and all subsequent proceedings arising out of it on the basis of the compromise dated 23.10.2019 (Annexure P-2).

On 16.01.2020 this Court had directed the parties to appear before the Illaqa Magistrate/Trial Court on 12.02.2020 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 any accused has been declared a Proclaimed Offender and the stage of trial/proceedings.

As directed, report dated 03.03.2020 from the Sub-Divisional Judicial Magistrate, Dasuya, 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 and none of the accused has been declared a proclaimed offender.

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 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 Supreme Court in **Narinder Singh vs. State of Punjab, (2014) 6 SCC 466**, this Court deems it just and proper to allow the petition and resultantly quash the cross case GD No.45 dated 12.10.2018 registered under Sections 323, 379, 325, 365, 341 and 34 IPC in FIR No.148 dated 10.10.2018 registered under Sections 458, 354-B, 323 and 324 IPC at Police Station Dasuya, District Hoshiarpur and all proceedings arising therefrom, qua the petitioners.

August 03, 2022
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(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No