

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

Sr. No.268

CRM-M-1796-2021

Date of decision: 27.07.2022

Avtar Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Ms. Satpreet Grewal Kapila, Advocate, for the petitioner.

Ms. Gunkirat Kaur, AAG, Punjab.

Mr. Raman Kumar, Advocate for
Ms. Jagjit Kaur, 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 criminal complaint No.70 dated 10.08.2017 – Kamaljit Kaur Vs. Avtar Singh, the order dated 08.05.2019 summoning the petitioner under Sections 323, 354, 506 IPC dated 08.05.2019 and all subsequent proceedings arising therefrom on the basis of the compromise dated 08.01.2021.

On 24.03.2021 this Court had directed the parties to appear before the Illaqa Magistrate on 26.03.2021 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 number of persons arrayed as accused in the complaint; if is there any other case pending against them and his/their status of being proclaimed offender/person.

As directed, report dated 12.04.2021 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 no 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 criminal complaint No.70 of 2017 dated 10.08.2017 – Kamaljit Kaur Vs. Avtar Singh, the order dated 08.05.2019 summoning the petitioner under Sections 323, 354, 506 IPC and all subsequent proceedings, if any, arising therefrom, qua the petitioners.

July 27, 2022*Jyoti 1***(DEEPAK SIBAL)****JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No