

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

Sr. No.113

CRM-M-3004-2020

Date of decision: 08.03.2022

Sanjay Kumar

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Deepak Gupta, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

Mr. Vikas Garg, Advocate
for respondent No.2.

* * *

DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.97 dated 20.06.2019, registered under Sections 294, 323, 509 IPC at Police Station Kotwali, District Bathinda and all subsequent proceedings arising out of it on the basis of the compromise dated 15.01.2020 (Annexure P-2).

On 23.01.2020 this Court had directed the parties to appear before the Illaqa Magistrate on 28.02.2020 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 if there is any other case pending against them; total number of accused involved in the case and his/their status of being proclaimed

offender/person.

As directed, report dated 29.02.2020 from the Chief Judicial Magistrate, Bathinda 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 petitioner is the only accused in the present FIR and he has not 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, the Trial is at an early stage 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.97 dated 20.06.2019, registered under Sections 294, 323, 509 IPC at Police Station Kotwali, District Bathinda and all proceedings arising therefrom, qua the petitioner.

March 08, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No