

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 241(2)

CRM-M-5174-2021

Date of decision : 08.04.2022

Jagdish Kaur @ Deeso and others

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Kuldeep Singh, Advocate, for the petitioners.

 Mr.Saurav Khurana, DAG, Punjab.

 Mr.Ishan Sharma, Advocate, for respondent No.2.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of G.D.No.29 dated 09.06.2020 registered under Sections 323, 324, 148, 149 IPC arising out of a cross case FIR No.83 dated 07.06.2020 registered under Sections 354-B, 324, 323, 148, 149, 341 and 506 IPC at Police Station Haryana, District Hoshiarpur on the basis of a compromise dated 28.06.2020 (Annexure P-2) entered into between the parties.

On 05.02.2021 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 with respect to number of persons arrayed as accused; whether any of them is proclaimed offender; the stage of trial/proceedings and whether the compromise is genuine, voluntary and without any coercion or undue influence.

As directed, report dated 07.04.2021 from the Judicial Magistrate Ist Class, Hoshiarpur has been received as per which the parties had recorded their statements before the Court in terms of the compromise arrived at between them, the same is genuine, voluntary and without any coercion or undue influence; only the petitioners are arrayed as accused; none of them is proclaimed offender and that the case is pending for framing of charges.

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 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 G.D.No.29 dated 09.06.2020 registered under Sections 323, 324, 148, 149 IPC arising out of a cross case FIR No.83 dated 07.06.2020 registered under Sections 354-B, 324, 323, 148, 149, 341 and 506 IPC at Police Station Hariana, District Hoshiarpur and all proceedings arising therefrom qua the petitioners.

08.04.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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