

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 244

CRM-M-5141-2021

Date of decision : 24.02.2022

Narinder Kumar Gulati

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Varinder Basa, Advocate, for the petitioner.

Ms.Jaspreet Kaur, AAG, Punjab.

Mr.Harmandeep Singh, Advocate, for the complainant.

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.158 dated 29.06.2020 registered under Sections 379, 427, 436 and 411 IPC at Police Station City Batala, District Gurdaspur on the basis of a compromise dated 25.01.2021 (Annexure P-2) entered into between the parties.

On 03.02.2021 this Court had directed the parties to appear before the Illaqa Magistrate on 12.02.2021 for recording of their respective statements with regard to the compromise, who in turn was directed to submit a report with regard to the validity and genuineness of the compromise; antecedents behaviour of criminal activity of the accused; total number of accused involved in the present case as also his/their status of being proclaimed offender/person.

As directed, report dated 15.02.2021 from the Sub-Divisional Judicial Magistrate, Batala has been received, as per which the parties had recorded their statements before the Illaqa Magistrate/Trial Court in terms of the compromise arrived at between them; the compromise is genuine and is not result of any pressure or coercion; only the petitioner is arraigned as accused

who has not been declared a proclaimed person and that no other FIR is registered against him.

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 offences are not heinous and the trial is at the early stage 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.158 dated 29.06.2020 registered under Sections 379, 427, 436 and 411 IPC at Police Station City Batala, District Gurdaspur and all proceedings arising therefrom, qua the petitioner.

24.02.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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