

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 117

CRM-M-11524-2021

Date of decision : 10.03.2022

Harinder Singh

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.M.S.Hundal, Advocate, for the petitioner.

Ms.Bhavna Gupta, DAG, Punjab.

Ms.Shivangi Dutt, 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.335 dated 12.11.2020 registered under Section 354 IPC at Police Station Lopoke, District Amritsar Rural, on the basis of a compromise/affidavit dated 02.12.2020 (Annexure P-2/T).

On 20.08.2021 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 along with the recorded statements with regard to the factum of the compromise between the parties as also to apprise the Court the name of the complainant and all accused arrayed in the FIR; whether all of them have appeared and made their respective statements in support of the compromise so effected between them; whether any of the accused has been declared a proclaimed offender; the stage of the trial/proceedings and if the compromise so arrived at between the parties is genuine, voluntarily and out of free will.

As directed, report dated 08.10.2021 from the Judicial Magistrate Ist Class, Ajnala 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; no P.O. proceedings are pending against any of the party and none of them is declared P.O. and that the compromise is voluntary and is free from any coercion, pressure of threat.

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 offence is not heinous, the investigation is at 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 FIR No.335 dated 12.11.2020 registered under Section 354 IPC at Police Station Lopoke, District Amritsar Rural and all proceedings arising therefrom qua the petitioner.

10.03.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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