

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 256

CRM-M-11299-2021

Date of decision : 30.05.2022

Avtar Singh Bhatti and another

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

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

Mr.Saurav Khurana, DAG, Punjab.

Mr.B.D.Jindal, Advocate, for respondent No.2.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0133 dated 28.09.2019 registered under Sections 354, 323, 34 and 201 IPC at Police Station Doraha, Police District Khanna, District Ludhiana on the basis of a compromise dated 08.02.2021 (Annexure P-2) entered into between the parties.

On 10.03.2021 this Court had directed the parties to appear before the Trial Court/Illaq Magistrate 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 authenticity of the compromise and that the same has been arrived at without any kind of undue influence or pressure as also to verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required.

As directed, report dated 18.05.2021 from the Sub Divisional Judicial Magistrate, Payal 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 same is genuine, voluntarily and out of the free will of the parties and that except the complainant there is no other victim whose consent is required for the compromise.

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 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 a 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.0133 dated 28.09.2019 registered under Sections 354, 323, 34 and 201 IPC at Police Station Doraha, Police District Khanna, District Ludhiana and all proceedings arising therefrom qua the petitioners.

30.05.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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