

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 268

CRM-M-13873-2022

Date of decision : 09.05.2022

Abhinav Saini

..... Petitioner

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Puru Jarewal, Advocate, for the petitioner.

Mr.Saurav Khurana, DAG, Punjab.

Mr.Abhinav Saini, Advocate, for
Mr.Bikram Singh, Advocate, for respondents No.2 to 6.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of General Diary No.36 dated 16.07.2021 registered under Sections 354, 380 and 506 IPC in FIR No.137 dated 15.07.2021 registered under Sections 323, 325, 341 and 149 IPC at Police Station City Hoshiarpur, District Hoshiarpur on the basis of a compromise Annexure P-2 entered into between the parties.

On 04.04.2022 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 veracity of the compromise between the parties as also to apprise this Court whether all the accused are party to the compromise; whether any of them have ever been declared proclaimed offender(s) and if is there any other criminal case pending against them.

As directed, report dated 05.05.2022 from the Chief Judicial Magistrate, Hoshiarpur 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; the accused has not been declared proclaimed offender and that there is no other criminal case pending against him.

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 General Diary No.36 dated 16.07.2021 registered under Sections 354, 380 and 506 IPC in FIR No.137 dated 15.07.2021 registered under Sections 323, 325, 341 and 149 IPC at Police Station City Hoshiarpur, District Hoshiarpur and all proceedings arising therefrom qua the petitioner.

09.05.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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