

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 242

CRM-M-12130-2019

Date of decision : 04.04.2022

Charan Singh

..... Petitioner

VERSUS

The State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

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

Ms.Gunkirat Kaur, AAG, Punjab.

Mr.Harmanpreet Sehgal, 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.77 dated 03.12.2018 registered under Sections 341, 354-A, 354-B, 323 and 506 IPC at Police Station Rawalpindi, District Kapurthala.

On 03.02.2020/19.02.2020 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 regard to the number of accused arrayed in the FIR; how many have appeared before it, have made statements and whether any accused is absconding/P.O.; name of the complainant and aggrieved and whether all of them have appeared and made their respective statements in support of the compromise so effected between them; the stage of the trial/proceedings and if the compromise is genuine, voluntarily and out of free will of the parties.

As directed, report dated 16.03.2020 from the Judicial Magistrate Ist Class, Phagwara, 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 petitioner is the only accused and respondent No.2 is the only complainant in the FIR; the petitioner has not been

declared proclaimed offender; challan has been presented and that the compromise is genuine, voluntary and without any coercion or undue influence.

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 FIR No.77 dated 03.12.2018 registered under Sections 341, 354-A, 354-B, 323 and 506 IPC at Police Station Rawalpindi, District Kapurthala and all proceedings arising therefrom, qua the petitioner.

04.04.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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