

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 263

CRM-M-16277-2021

Date of decision : 05.04.2022

Ramesh Kumar @ Bagga and others

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Parvesh Sachdeva, Advocate, for the petitioners.

 Mr.Saurav Khurana, DAG, Punjab.

 Mr.Lovepreet Singh, 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.89 dated 02.04.2021 registered under Sections 452, 354, 148 and 149 IPC (Section 323 IPC added later on) at Police Station Sadar, Fazilka, on the basis of compromise (Annexure P-3) entered into between the parties.

On 19.04.2021 this Court had directed the parties to appear before the Area 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 authenticity of the compromise and the fact that it 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.

As directed, report dated 22.07.2021 from the Additional Chief Judicial Magistrate, Fazilka has been received as per which the parties had recorded their statements before the Area Magistrate/Trial Court in terms of the compromise arrived at between them; except the parties no other person is involved in the occurrence and that the compromise is genuine, voluntary and without any kind of undue influence or pressure.

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 investigation is at its initial 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.89 dated 02.04.2021 registered under Sections 452, 354, 148 and 149 IPC (Section 323 IPC added later on) at Police Station Sadar, Fazilka and all proceedings arising therefrom, qua the petitioners.

05.04.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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