

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 266

CRM-M-19753-2022

Date of decision : 30.05.2022

Gagandip Singh @ Gagan

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.V.S.Vashisht, Advocate, for the petitioner.

Mr.Saurav Khurana, DAG, Punjab.

Mr.Vikas Kumar, 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.135 dated 29.10.2015 registered under Sections 354-A, 323 and 506 IPC at Police Station Dugri, Ludhiana and subsequent proceedings arising therefrom on the basis of a compromise dated 26.11.2021 (Annexure P-5) entered into between the parties.

On 11.05.2022 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 number of persons arrayed as accused in FIR; whether any accused is proclaimed offender; whether the compromise is genuine, voluntary and without any coercion or undue influence; whether the accused are involved in any other case and the number of victims/complainants in the FIR.

As directed, report dated 23.05.2022 from the Judicial Magistrate Ist Class, Ludhiana 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; only the petitioner is arrayed as an accused; he has not been

declared a proclaimed offender; he is not involved in any other case; there is no other victim/complainant except respondent No.2 and that the compromise is genuine, voluntary, without any coercion and out of free will of the parties.

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.135 dated 29.10.2015 registered under Sections 354-A, 323 and 506 IPC at Police Station Dugri, Ludhiana and all proceedings arising therefrom qua the petitioner.

30.05.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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