

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(137)

CRM-M-21468-2022

Date of Decision: 18.05.2022

Khajum Ali @ Kazoom Gujjar & others

--Petitioners

Versus

State of Punjab & another

--Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. A.S. Manaise, Advocate for the petitioners.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 482 Cr.P.C praying for quashing of FIR No.38 dated 1.5.2022 registered under sections 354, 354-A, 324, 34 IPC at Police Station, Taragarh, District Pathankot along with all the subsequent proceedings arising therefrom on the basis of compromise dated 12.5.2022 (Annexure P-2).

Learned counsel for the petitioners submits that parties have compromised the matter and prosecution of the petitioners is nothing but an abuse of the process of law.

Notice of motion.

On the asking of the Court, Mr. Rakeshinder Singh Sidhu, A.A.G., Punjab accepts notice on behalf of respondent No.1-State and Mr. Sohrab Dhanda, Advocate accepts notice on behalf of respondent no.2.

Learned State counsel has submitted that the matter is under investigation and on completion of the same challan will be presented in the court.

Under these circumstances when the investigation is still pending, this Court does not think it proper to interfere in the same. The

Hon'ble Supreme Court in *Neeharika Infrastructure Pvt. Ltd. Vs. State of*

Maharashtra, 2021 Criminal Appeal No.330 of 2021 decided on 13.4.2021 has held that the criminal proceedings ought not to be scuttled at the initial stage and quashing of FIR should be an exception rather than an ordinary rule.

In view of the above discussion, present petition is disposed of with liberty to the petitioners to avail the alternate remedies as available to them in accordance with law.

18.05.2022
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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No