

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 238

CRM-M-24490-2020

Date of decision : 22.03.2022

Rajinder Kaur and another

..... Petitioners

VERSUS

The State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.L.S.Virk, Advocate, for the petitioners.

 Mr.Saurav Khurana, DAG, Punjab.

 Mr.M.S.Atwal, Advocate, for respondents No.3 to 5.

DEEPAK SIBAL, J. (ORAL)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.144 dated 20.06.2020 registered under Sections 353, 379, 332, 186 and 34 IPC at Police Station City-1, Abohar, District Fazilka, on the basis of a compromise dated 30.07.2020 (Annexure P-2) entered into between the parties.

On 03.09.2020 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 along with the recorded statements with regard to the number of persons arrayed as accused; 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 or not; how many victims/complainants are there in the FIR

As directed, report dated 09.11.2020 from the Sub Divisional Judicial Magistrate, Abohar 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 compromise is genuine, voluntary and without any coercion or undue influence; only the petitioners are arrayed as accused in this case; none of them has been declared as proclaimed offender; no other case is pending against them and that there is only one complainant namely Shalinder Kumar.

Learned State counsel has also raised 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; the 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.144 dated 20.06.2020 registered under Sections 353, 379, 332, 186 and 34 IPC at Police Station City-1, Abohar, District Fazilka and all proceedings arising therefrom qua the petitioners.

22.03.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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