

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-36623 of 2021
Date of Decision:- 05.05.2022**

Baljeet Masih and others

....Petitioners

Vs.

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Manpreet Singh, Advocate
for the petitioners.

Mr. M.S. Nagra, AAG, Punjab.

Mr. K.S. Kahlon, Advocate
for respondent No.2.

KARAMJIT SINGH, J.(Oral)

Prayer in this petition is for quashing of FIR No.236 dated 29.09.2020 (Annexure P-1) registered under Sections 325, 323, 148, 149 IPC at P.S. Shri Hargobindpur, Tesil Batala, District Gurdaspur, on the basis affidavit-cum-compromise dated 07.06.2021(Annexure P-2).

The above stated FIR was registered on the basis of statement of complainant/respondent No.2-Channa @ Channa Masih, in which he stated that at the time of occurrence respondent No.2 was attacked by the petitioners.

On notice of motion, respondent No.2 appeared in the Court through his counsel and pleaded that he has no objection if the FIR in this case is quashed on the basis of the aforesaid compromise which has been effected between the parties.

During the course of preliminary hearing, the trial Court/Illaq Magistrate was directed to record the statements of the all the concerned parties with regard to genuineness and validity or otherwise of the aforesaid compromise.

In compliance thereof, report from the Court of JMIC, Batala along with statements of the parties has been received, in which, it is mentioned that the compromise is genuine and there was no undue influence or coercion from any side. As per said report petitioner No.5 Samual @ Samu Masih has already died.

I have heard learned counsel for the parties.

Learned counsel for the petitioner and for respondent No.2 are ad idem that in view of the settlement effected between the parties, the present petition deserves to be accepted. It has also come on record that the aforesaid compromise is genuine and the parties effected the same without any undue influence or coercion.

In view of above, nothing remains to be adjudicated further in the present case. Thus, continuation of the criminal proceedings between the parties would be a futile exercise and sheer wastage of time of the Court and thus, amount to abuse of process of law.

For the reasons aforesaid and having regard to the law laid down by Hon'ble Apex Court in *Gian Singh v. State of Punjab and another, 2012 (4) RCR (Criminal) 543 and Five Judges Bench of this Court in Kulwinder Singh and others v. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, this petition is allowed and FIR No.236 dated 29.09.2020 (Annexure P-1) registered under Sections 325, 323, 148, 149 IPC at P.S. Shri Hargobindpur, Tesil Batala, District Gurdaspur, and all the subsequent proceedings are hereby quashed qua the petitioners.

05.05.2022*P. Chawla***(KARAMJIT SINGH)
JUDGE**

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No