

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 252

CRM-M-37325-2021

Date of decision : 02.03.2022

Prince Sidhu and another

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Gautam Kaile, Advocate, for the petitioners.

Mr.Saurav Khurana, DAG, Punjab.

Mr.Amit Kashyap, Advocate, for the complainant.

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.87 dated 16.10.2019 registered under Sections 420 and 120-B IPC at Police Station Division No.1, District Pathankot on the basis of compromise dated 02.09.2021 (Annexure P-2) entered into between the parties.

On 13.09.2021 this Court had directed the parties to appear before the Trial Court/Illaq Magistrate for recording of their respective statements with regard to the compromise, who in turn was directed to submit a report with regard to the number of persons arrayed as accused in the FIR; whether any accused is proclaimed offender; whether compromise is genuine, voluntary and without any coercion or undue influence; whether the accused persons are involved in any other FIR or not and how many victims/complainants are there in the FIR.

As directed, report dated 14.02.2022 from the Additional Chief Judicial Magistrate, Pathankot has been received, as per which the parties had recorded their statements before the Illaq Magistrate/Trial Court in terms of the compromise arrived at between them; only the petitioners are arrayed as

accused who have never been declared proclaimed offenders; the compromise is genuine, voluntary and without any kind of force, fraud, coercion or undue influence and that there is only one victim/complainant namely Subhash Chander.

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 the offences are compoundable; the trial is at the 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.87 dated 16.10.2019 registered under Sections 420 and 120-B IPC at Police Station Division No.1, District Pathankot and all proceedings arising therefrom, qua the petitioners.

02.03.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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