

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 123

CRM-M-41741-2021

Date of decision : 14.02.2022

Jaideep Singh

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.L.S.Sidhu, Advocate, for the petitioner.

Ms.Gunkirat Kaur, AAG, Punjab.

Mr.Brahmeet Singh, Advocate, for respondent No.2.

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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.145 dated 25.09.2019, registered under Sections 364, 323, 341, 342, 506, 148 and 149 IPC at Police Station Badhni Kalan, District Moga, on the basis of a compromise dated 07.10.2019 (Annexure P-2) entered into between the parties.

On 06.10.2021 this Court had directed the parties to appear before the Illaqa Magistrate/Trial Court on 14.10.2021 for recording of their respective statements with regard to the compromise, who in turn was directed to submit a report in this regard alongwith the recorded statements of the parties clearly opining therein with respect to the veracity of the compromise, if any, between the parties. The Illaqa Magistrate/Trial Court was further directed to apprise this Court whether all the accused are party to the compromise and whether any of the accused have ever been declared proclaimed offender(s) and if is there any other criminal case pending against them.

As directed, report dated 12.11.2021 from the Additional Sessions Judge, Moga 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 and the petitioner has never been declared as a proclaimed offender.

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 trial is at the early 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.145 dated 25.09.2019, registered under Sections 364, 323, 341, 342, 506, 148 and 149 IPC at Police Station Badhni Kalan, District Moga and all proceedings arising therefrom, qua the petitioner.

14.02.2022

shamsher

[DEEPAK SIBAL]  
JUDGE

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