

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 236

CRM-M-33952-2019

Date of decision : 17.03.2022

Sukhwinder Singh @ Shindi and others

..... Petitioners

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.A.S.Gill, Advocate, for the petitioners.

 Mr.Saurav Khurana, DAG, Punjab.

 None for respondents No.2 to 7.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.265 dated 26.08.2018 registered under Sections 323, 341, 382, 427, 506, 148, 149 IPC (Sections 354B and 307 IPC added later on) at Police Station Model Town, District Police Commissionerate Ludhiana, on the basis of compromise Annexure P-2 entered into between the parties.

On 22.08.2019/04.12.2019 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 with regard to the authenticity and genuineness of the compromise as also to apprise whether there is any other accused other than the petitioners, arrayed in this petition and whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition.

As directed, report dated 28.01.2020 from the Judicial Magistrate Ist Class, Ludhiana 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 appears to be genuine one having been arrived at by the parties with free will without any pressure or coercion.

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 investigation is at its earlier stage and because there is no injury which has been declared dangerous to life 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.265 dated 26.08.2018 registered under Sections 323, 341, 382, 427, 506, 148, 149 IPC (Sections 354B and 307 IPC added later on) at Police Station Model Town, District Police Commissionerate Ludhiana and all proceedings arising therefrom, qua the petitioners.

17.03.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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