

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 255

CRM-M-38789-2020

Date of decision : 05.05.2022

Avtar Singh and another

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.B.K.Gupta, Advocate, for the petitioners.

Mr.Saurav Khurana, DAG, Punjab.

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

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.130 dated 23.08.2019 registered under Sections 323, 354-A, 342 and 34 IPC at Police Station Dasuya, District Hoshiarpur on the basis of a compromise dated 11.06.2020 (Annexure P-2) entered into between the parties.

On 26.02.2021 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 along with the recorded statements with regard to the number of persons arrayed as accused in FIR; 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 FIR or not and the number of victims/complainants in the FIR.

As directed, report dated 15.04.2021 from the Sub Divisional Judicial Magistrate Dasuya 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; only the petitioners are arrayed as accused; none of them has been declared a proclaimed offender; no other case is pending against them; there are no other victims/complainants except respondent No.2 and that the compromise is genuine and without any pressure or coercion and undue influence.

Learned State counsel has 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 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.130 dated 23.08.2019 registered under Sections 323, 354-A, 342 and 34 IPC at Police Station Dasuya, District Hoshiarpur and all proceedings arising therefrom qua the petitioners.

05.05.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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