

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 280

CRM-M-43958-2020

Date of decision : 24.05.2022

Jaspal Singh and others

..... Petitioners

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Ms.Isha Goyal, Advocate, for the petitioners.

Mr.Saurav Khurana, DAG, Punjab.

Mr.R.P.Saini, Advocate, for respondents No.2 to 4.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of DDR No.40(A) dated 11.12.2015 registered under Sections 452, 354, 295-A, 323, 506 and 34 IPC in FIR No.302 dated 10.12.2015 registered under Sections 323, 342, 379, 506 and 34 IPC at Police Station Sultanwind, District Amritsar City, Amritsar on the basis of a compromise entered into between the parties.

On 17.01.2022 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 along with the recorded statements with regard to the name of the complainant and all accused arrayed in the FIR; whether all of them have appeared and made their respective statements in support of the compromise; whether any of the accused has been declared a proclaimed offender; the stage of the trial/proceedings and whether the compromise is genuine, voluntarily and out of free will.

As directed, report dated 31.03.2022 from the Judicial Magistrate Ist Class, Amritsar 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 proclaimed offender; the matter is at the stage of investigation and that the compromise is genuine, voluntary and without any coercion or 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 a 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 DDR No.40(A) dated 11.12.2015 registered under Sections 452, 354, 295-A, 323, 506 and 34 IPC in FIR No.302 dated 10.12.2015 registered under Sections 323, 342, 379, 506 and 34 IPC at Police Station Sultanwind, District Amritsar City, Amritsar and all proceedings arising therefrom qua the petitioners.

24.05.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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