

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.210

CRM-M-51373-2021

Date of decision: 04.02.2022

Dharm Singh @ Dharma and others

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Prabhjot Singh, Advocate
for the petitioners.

Ms. Gunkirat Kaur, Asstt. A.G., Punjab.

Mr. Sachin Bhardwaj, Advocate
for respondents No.2 and 3.

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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.0099 dated 13.06.2021, registered under Sections 452, 323, 148, 149 IPC at Police Station Vairoke, Police, District Fazilka and all subsequent proceedings arising out of it on the basis of the compromise dated 29.11.2021 (Annexure P-2).

On 09.12.2021 this Court had directed the parties to appear before the Illaqa Magistrate on 15.12.2021 for recording of their respective statements with regard to the compromise/settlement, who in turn was directed to submit a report along with the recorded statements with regard to the veracity of the compromise, if any, between the parties as also to apprise this Court if there is any other case pending against them; total number of accused involved in the case and his/their status of being proclaimed

offender/person.

As directed, report dated 19.01.2022 from the Judicial Magistrate First Class, Jalalabad(W) 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 petitioners are the only accused in the present FIR; the none of the petitioners has been declared a proclaimed offender and the petitioners are not involved in any other case.

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 not heinous; the investigation is at an early stage and 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 the FIR No.0099 dated 13.06.2021, registered under Sections 452, 323, 148, 149 IPC at Police Station Vairoke, Police, District Fazilka and all proceedings arising therefrom, qua the petitioners.

February 04, 2022
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(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No