

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

255-2

CRM-M-53948-2019(O & M)

Date of decision: 07.04.2022

Amit Sharma and others

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Vinod K.Kaushal, Advocate
for the petitioners

Mr.Saurav Khurana, DAG Punjab

Mr.Raman Kumar, Advocate
For respondents No.2 to 4

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of Cross case/GD No.38 dated 16.12.2014, under Sections 452/354-A/323 and 149 IPC, registered at Police Station Sadar Amritsar, District Amritsar in case FIR No.323 dated 04.12.2014 registered under Sections 307/323/324/148 and 149 IPC (Section 307 IPC deleted later on) at Police Station Sadar Amrtisar, District Amritsar, on the basis of compromise dated 10.10.2019 (Annexure P-3) entered into between the parties.

On 05.02.2020, 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 number of persons arrayed as accused in FIR; whether any accused is proclaimed offender; the stage of trial/proceedings and whether the compromise is genuine, voluntary and without any coercion or undue influence.

As directed, report dated 24.02.2020 from the Additional District and Sessions Judge, Tarn Taran, has been received, as per which the parties had recorded their statements before the Illaqa Magistrate/Trial Court in terms of the compromise arrived at between them; the petitioners are the only accused in the FIR who are not proclaimed offenders 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 the offences are not heinous 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 Cross case/GD No.38 dated 16.12.2014, under Sections 452/ 354-A/323 and 149 IPC, registered at Police Station Sadar Amritsar, District Amritsar in case FIR No.323 dated 04.12.2014 registered under Sections 307/323/324/148 and 149 (Section 307 IPC deleted later on) IPC at Police Station Sadar Amrtisar, District Amritsar, and all proceedings arising therefrom, qua the petitioners.

(DEEPAK SIBAL)
JUDGE

07.04.2022

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No