

2023:PHHC:064528

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 248

CRM-M-1106-2023

Date of decision : 03.05.2023

Jodh Singh and another

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Jagdish, Advocate, for
 Mr.Paras Jagga, Advocate, for the petitioners.

 Mr.A.P.S.Tung, DAG, Punjab.

 Mr.G.S.Randhawa, Advocate, for respondent No.2.

DEEPAK SIBAL, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of complaint case bearing No.5-2018 dated 30.01.2018 under Sections 420, 467, 468, 471, 34 IPC and order dated 02.03.2019 passed by the Judicial Magistrate Ist Class, Gurdaspur summoning the petitioners to face trial under Sections 420, 467, 468, 471 and 34 IPC and all proceedings arising therefrom qua the petitioners on the basis of a compromise dated 09.05.2022 (Annexure P-3) entered into between the parties.

2. On 11.01.2023 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 veracity of the compromise between the parties as also to apprise this Court whether all the accused are party to the compromise; whether any of them have ever been declared proclaimed offender(s) and if is there any other criminal case pending against them.

3. As directed, report dated 08.02.2023 from the Judicial Magistrate Ist Class, Gurdaspur 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 same is genuine; the petitioners/accused are party to the compromise; they have not been declared proclaimed offender(s) and that they are not involved in any other case.

4. Learned State counsel has no objection if the present petition is allowed.

5. 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 Supreme Court in *Narinder Singh vs State of Punjab* (2014) 6 SCC 466, this Court deems it just and proper to allow the petition and resultantly quash complaint case bearing No.5-2018 dated 30.01.2018 under Sections 420, 467, 468, 471, 34 IPC and order dated 02.03.2019 passed by the Judicial Magistrate Ist Class, Gurdaspur summoning the petitioners to face trial under Sections 420, 467, 468, 471 and 34 IPC and 34 IPC and all proceedings arising therefrom qua the petitioners.

03.05.2023
shamsher

[DEEPAK SIBAL]
JUDGE

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