

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 242

CRM-M-3074-2021

Date of decision : 11.01.2023

Sandeep Kumar @ Monu Bijli Wala and others

..... Petitioners

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: None for the petitioners.

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

Mr.Aarish Kamboj, 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 Rapat No.035 dated 06.08.2020 registered under Sections 323, 324, 325, 326 and 34 IPC in FIR No.164 dated 06.08.2020 registered under Sections 323, 324, 325 and 34 IPC at Police Station Khui Khera, District Fazilka on the basis of a compromise dated 18.12.2020 (Annexure P-3) entered into between the parties.

On 22.01.2021 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 as to whether there is any other accused other than the petitioners, whether there is any other complainant or affected/aggrieved party other than the respondents and whether any accused has been declared proclaimed offender.

As directed, report dated 08.04.2021 from the Judicial Magistrate Ist Class, Fazilka 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 the accused; respondents No.2 to 4 are the only complainant or aggrieved party in the FIR and that none of the accused has been declared a proclaimed offender.

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 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 Rapat No.035 dated 06.08.2020 registered under Sections 323, 324, 325, 326 and 34 IPC in FIR No.164 dated 06.08.2020 registered under Sections 323, 324, 325 and 34 IPC at Police Station Khui Khera, District Fazilka and all proceedings arising therefrom qua the petitioners.

11.01.2023
shamsher

[DEEPAK SIBAL]
JUDGE

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