

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 243

CRM-M-2282-2020

Date of decision : 08.02.2023

Harbhajan Singh and others

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Varinder Basa, Advocate, for the petitioners.

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

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

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.129 dated 18.12.2019 registered under Sections 379, 427 and 447 IPC at Police Station Ghuman, District Batala, Gurdaspur and all proceedings arising therefrom qua the petitioners on the basis of a compromise dated 05.01.2020 (Annexure P-2) entered into between the parties.

On 20.01.2020/19.01.2022 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 as to whether there is any other accused other than the petitioners and whether there is any other complainant or affected/aggrieved party other than the respondents.

As directed, report dated 22.02.2022 from the Judicial Magistrate Ist Class, Batala 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; respondent No.2 is the only complainant/victim and that the compromise is genuine and without any pressure, coercion and 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 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 FIR No.129 dated 18.12.2019 registered under Sections 379, 427 and 447 IPC at Police Station Ghuman, District Batala, Gurdaspur and all proceedings arising therefrom qua the petitioners.

08.02.2023
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[DEEPAK SIBAL]
JUDGE

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