

2023:PHHC:071020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 249

CRM-M-2854-2023

Date of decision : 16.05.2023

Kushalya Devi and others

..... Petitioners

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.G.S.Rawat, Advocate, for the petitioners.

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

Mr.Sandeep Arora, Advocate, for respondents No.2 to 4.

DEEPAK SIBAL, J. (ORAL)

(1) The present petition has been filed under Section 482 Cr.P.C. for quashing of GD No.35 dated 02.10.2022 registered under Sections 323, 325 IPC in FIR No.156 dated 25.09.2022 registered under Sections 323, 341, 148, 149 IPC at Police Station Nakodar Sadar, District Jalandhar (Rural) and all proceedings arising therefrom qua the petitioners on the basis of a compromise (Annexure P-3) entered into between the parties.

(2) On 19.01.2023 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 09.02.2023 from the Sub Divisional Judicial Magistrate, Nakodar 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 cross case 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 *State of Madhya Pradesh vs. Laxmi Narayan and others* (2019) 5 SCC 688, this Court deems it just and proper to allow the petition and resultantly quash GD No.35 dated 02.10.2022 registered under Sections 323, 325 IPC in FIR No.156 dated 25.09.2022 registered under Sections 323, 341, 148, 149 IPC at Police Station Nakodar Sadar, District Jalandhar (Rural) and all proceedings arising therefrom qua the petitioners.

16.05.2023
shamsher

[DEEPAK SIBAL]
JUDGE

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