

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 243

CRM-M-4175-2022

Date of decision : 07.02.2023

Gurbaksh Singh and others

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Deshpreet Singh, Advocate, for the petitioners.

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

Mr.Hoshiar Singh, 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.0125 dated 09.09.2019 registered under Sections 452, 326, 324, 323, 148 and 149 IPC (Section 326 IPC added later on) at Police Station Khuian Sarwar, District Fazilka and all proceedings arising therefrom qua the petitioners on the basis of a compromise/affidavit dated 08.12.2021 (Annexure P-2) entered into between the parties.

On 02.02.2022 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 regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party.

As directed, report dated 11.02.2022 from the Judicial Magistrate Ist Class, Abohar 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 compromise is genuine, voluntary and without any coercion or undue influence and that none of the parties 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 FIR No.0125 dated 09.09.2019 registered under Sections 452, 326, 324, 323, 148 and 149 IPC (Section 326 IPC added later on) at Police Station Khuian Sarwar, District Fazilka and all proceedings arising therefrom qua the petitioners.

07.02.2023
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[DEEPAK SIBAL]
JUDGE

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