

Sr. No. 247

CRM-M-8862-2023

Date of decision : 08.05.2023

Balwinder Singh and others

..... Petitioners

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Ms.Ameesha Goel, Advocate, for the petitioners.

Mr.I.P.S.Sabharwal, DAG, Punjab.

Mr.Naresh Chander, Advocate, for
Mr.Siddharth Sharma, Advocate, for respondents No.2 to 6.

DEEPAK SIBAL, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of DDR/Rapat No.19 dated 08.11.2022 registered under Sections 326, 324, 323, 148 and 149 IPC in FIR No.89 dated 08.11.2022 registered under Sections 452, 323, 427, 148 and 149 IPC at Police Station Begowal, District Kapurthala and all proceedings arising therefrom qua the petitioners on the basis of a compromise dated 12.12.2022 (Annexure P-3) entered into between the parties.

2. On 20.02.2023 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 20.04.2023 from the Sub Divisional Judicial Magistrate, Bholath 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 DDR/Rapat No.19 dated 08.11.2022 registered under Sections 326, 324, 323, 148 and 149 IPC in FIR No.89 dated 08.11.2022 registered under Sections 452, 323, 427, 148 and 149 IPC at Police Station Begowal, District Kapurthala and all proceedings arising therefrom qua the petitioners.

08.05.2023
shamsher

[DEEPAK SIBAL]
JUDGE

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