

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 245

CRM-M-10684-2021

Date of decision : 01.02.2023

Sanjay Kumar

..... Petitioner

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Mohit Sadana, Advocate, for the petitioner.

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

Mr.Raj Kumar, Advocate, for

Mr.Pankaj Shukla, Advocate, for respondent No.4.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.26 dated 27.01.2020 registered under Section 295-A IPC at Police Station Gate Hakima, District Amritsar and all proceedings arising therefrom qua the petitioner on the basis of a compromise (Annexure P-2) entered into between the parties.

On 08.03.2021 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 number of accused arraigned in the FIR and how many of them have appeared before it and have made statements and whether any of them is absconding/P.O; the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise; the stage of trial/proceedings and whether the compromise is genuine, voluntary and out of free will of the parties.

As directed, report dated 01.04.2021 from the Judicial Magistrate Ist Class, Amritsar 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 petitioner is arraigned as the accused; he has appeared and made his statements before the Trial Court; he has not been declared a proclaimed offender; respondent No.4 is the only complainant/injured/aggrieved and has appeared and made his statement before the Trial Court; the investigation is at the initial stage and that the compromise is genuine and has been effected without any pressure or 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.26 dated 27.01.2020 registered under Section 295-A IPC at Police Station Gate Hakima, District Amritsar and all proceedings arising therefrom qua the petitioner.

01.02.2023
shamsher

[DEEPAK SIBAL]
JUDGE

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