

2023:PHHC:074982

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 254

CRM-M-23070-2021

Date of decision : 24.05.2023

Paramjit Kaur and others

..... Petitioners

VERSUS

Gurtej Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.S.K.Bakolia, Advocate, for the petitioners.

Mr.Vivek Singla, Advocate, for respondent No.1.

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

DEEPAK SIBAL, J. (ORAL)

(1) The present petition has been filed under Section 482 Cr.P.C. for quashing of complaint No.55 dated 30.04.2016-*Gurtej Singh vs. Paramjit Kaur and others* under Sections 323, 324, 326, 342, 343, 166, 167, 120-B and 506 IPC as also order dated 24.04.2017 passed by the Judicial Magistrate Ist Class, Faridkot through which the petitioners were directed to be summoned to face trial under Sections 324, 326 and 34 IPC and all proceedings arising therefrom qua the petitioners on the basis of a compromise dated 02.04.2021 (Annexure P-3) entered into between the parties.

(2) On 06.07.2021 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 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 19.07.2021 from the Judicial Magistrate Ist Class, Faridkot 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 complaint 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 complaint No.55 dated 30.04.2016-*Gurtej Singh vs. Paramjit Kaur and others* under Sections 323, 324, 326, 342, 343, 166, 167, 120-B and 506 IPC as also order dated 24.04.2017 passed by the Judicial Magistrate Ist Class, Faridkot through which the petitioners were directed to be summoned to face trial under Sections 324, 326 and 34 IPC and all proceedings arising therefrom qua the petitioners.

24.05.2023
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[DEEPAK SIBAL]
JUDGE

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