

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 250

CRM-M-24209-2022

Date of decision : 27.04.2023

Nirmal Singh @ Nimma @ Nirmaljit Singh

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Abhimanyu Singh, Advocate, for the petitioner.

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

None for respondent No.2.

DEEPAK SIBAL, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of GD No.44 dated 20.09.2016 registered under Sections 323, 506, 34 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment, 2015) in FIR No.102 dated 20.09.2016 registered under Sections 307, 323, 506 and 34 IPC at Police Station Banur and all proceedings arising therefrom qua the petitioner on the basis of a compromise dated 10.05.2022 (Annexure P-2) entered into between the parties.

2. On 23.01.2023 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 28.03.2023 from the Additional District & Sessions Judge, SAS Nagar, Mohali 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 petitioner/accused is party to the compromise; he has not been declared a proclaimed offender and that he is 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 GD No.44 dated 20.09.2016 registered under Sections 323, 506, 34 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment, 2015) in FIR No.102 dated 20.09.2016 registered under Sections 307, 323, 506 and 34 IPC at Police Station Banur and all proceedings arising therefrom qua the petitioner.

27.04.2023
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[DEEPAK SIBAL]
JUDGE

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