

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 248

CRM-M-26460-2020

Date of decision : 19.01.2023

Gora Singh @ Jaswinder Singh and others

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

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

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

Mr.Sunil Sihag, 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.71 dated 10.06.2020 registered under Sections 324, 323, 341, 148 and 149 IPC at Police Station Arni Wala, District Fazilka and all proceedings arising therefrom qua the petitioners on the basis of a compromise dated 03.07.2020 (Annexure P-2) entered into between the parties.

On 21.04.2022 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 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 19.09.2022 from the Judicial Magistrate Ist Class, Fazilka 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 petitioners are arraigned as the accused; all of them have appeared and made their respective statements before the Trial Court; none of them have been declared proclaimed offender(s); respondent No.2 is the only complainant/injured/aggrieved and has appeared and made his statement before the Trial Court and that the compromise is genuine, voluntary and without any coercion 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.71 dated 10.06.2020 registered under Sections 324, 323, 341, 148 and 149 IPC at Police Station Arni Wala, District Fazilka and all proceedings arising therefrom qua the petitioners.

19.01.2023
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[DEEPAK SIBAL]
JUDGE

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