

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 254

CRM-M-34027-2022

Date of decision : 31.01.2023

Radha Rani and others

..... Petitioners

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Ritesh Pandey, Advocate, for the petitioners.

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

None for respondents No.2 and 3.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.371 dated 08.12.2020 registered under Sections 323, 452, 427, 148 and 149 IPC at Police Station Civil Line, Batala, District Batala and all proceedings arising therefrom qua the petitioners on the basis of a compromise dated 06.05.2021 (Annexure P-2) entered into between the parties.

On 03.08.2022 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 names 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; whether the compromise is genuine, voluntary and out of free will of the parties and whether any other criminal case is pending against any of the accused.

As directed, report dated 12.09.2022 from the Judicial Magistrate Ist Class, Batala 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 petitioners have not been declared proclaimed offender(s); the investigation is at the initial stage; the compromise has been effected without any coercion or pressure from any corner and the same is genuine and that no other criminal case is pending against any of the accused.

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.371 dated 08.12.2020 registered under Sections 323, 452, 427, 148 and 149 IPC at Police Station Civil Line, Batala, District Batala and all proceedings arising therefrom qua the petitioners.

31.01.2023
shamsher

[DEEPAK SIBAL]
JUDGE

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