

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 116

CRM-M-32109-2019

Date of decision : 15.03.2023

Gurdas Singh and others

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Deshpreet Singh, Advocate, for the petitioners.

Mr.Arun Luthra, DAG, Punjab.

Mr.A.P.S.Pakka, Advocate, for respondent No.2.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of DDR No.046 dated 02.05.2019 registered under Sections 452, 324, 323, 148 and 149 IPC in FIR No.58 dated 30.04.2019 registered under Sections 452, 323, 148 and 149 IPC at Police Station Kotbhai, Sri Muktsar Sahib and all proceedings arising therefrom qua the petitioners on the basis of a compromise (Annexure P-2) entered into between the parties.

On 07.08.2019 this Court had directed the parties to appear before the Area 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 authenticity of the compromise; whether there is any other person involved, who is not a party to the present petition as also whether any other criminal case is pending against the petitioners.

As directed, report dated 15.11.2019 from the Judicial Magistrate Ist Class, Gidderbaha 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 compromise is genuine; respondent No.2 is the only complainant/victim in this case 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 DDR No.046 dated 02.05.2019 registered under Sections 452, 324, 323, 148 and 149 IPC in FIR No.58 dated 30.04.2019 registered under Sections 452, 323, 148 and 149 IPC at Police Station Kotbhai, Sri Muktsar Sahib and all proceedings arising therefrom qua the petitioners.

Put up on 26.04.2023 to enable learned counsel for the petitioners to furnish proof of the costs to be deposited by him in terms of the order of this Court dated 23.01.2020.

15.03.2023
shamsher

[DEEPAK SIBAL]
JUDGE

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