

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 216

CRM-M-37524-2019

Date of decision : 06.01.2023

Harinder Singh and another

..... Petitioners

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.K.K.Saini, Advocate, for the petitioners.

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

Mr.S.K.Saini, Advocate, for respondent No.3.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0180 dated 23.07.2019 registered under Sections 452, 323, 506, 427, 148 and 149 IPC at Police Station Sirhind, District Fatehgarh Sahib on the basis of a compromise (Annexure P-2) entered into between the parties.

On 05.09.2019 this Court had directed the parties to appear before the Trial Court/Illaq Magistrate 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 persons arrayed as accused in the FIR; whether any of them is proclaimed offender; whether the compromise is genuine, voluntary and without any coercion or undue influence; whether the accused are involved in any other case or not and as to how many victims/complainants are there in the FIR.

As directed, report dated 03.10.2019 from the Additional Chief Judicial Magistrate, Fatehgarh Sahib 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; none of the petitioners has been declared a proclaimed

offender; the compromise is genuine, voluntary and without any coercion or undue influence; the petitioners are not involved in any other case and that respondent No.2 is the only victim/complainant in the FIR.

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.0180 dated 23.07.2019 registered under Sections 452, 323, 506, 427, 148 and 149 IPC at Police Station Sirhind, District Fatehgarh Sahib and all proceedings arising therefrom qua the petitioners.

06.01.2023
shamsher

[DEEPAK SIBAL]
JUDGE

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