

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.246

CRM-M-51351-2021

Date of decision: 23.03.2023

Rahul Sharma and another

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Akhil Aggarwal, Advocate, for the petitioners.

Mr. Shubham Kaushik, AAG, Punjab.

Mr. Rishu Garg, Advocate, for respondent No.2.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0097 dated 18.12.2019 registered under Sections 406 and 420 IPC and Section 13 of the Punjab Travel Professionals Act, 2014 at Police Station Behram, SBS Nagar and all subsequent proceedings arising out of it on the basis of a compromise dated 16.11.2021 (Annexure P-2).

Petitioner No.2 – Ravi Pal is a proclaimed offender and such fact has been withheld from this Court.

In the light of the above, petitioner No.2 deserves no relief.

The petition qua petitioner No.2 is dismissed.

The State is directed to proceed against petitioner No.2 Ravi Pal, in accordance with law.

On 31.01.2023 this Court had directed the parties to appear before the Illaqa Magistrate/Trial Court on 08.02.2023 for recording of their respective statements with regard to the compromise/settlement, who in turn was directed to submit a report along with the recorded statements with regard to the veracity of the compromise, if any, between the parties as also to apprise this Court if there any other case pending against them and

his/their status of being proclaimed offender/person.

As directed, report dated 22.03.2023 from the Judicial Magistrate, Ist Class, Shaheed Bhagat Singh Nagar 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 and that no PO proceedings are pending against petitioner No.1.

Learned State counsel has also raised no objection if the present petition qua petitioner No.1 is allowed.

In view of the above, continuation of the proceedings in pursuance of the afore-referred FIR in which the offences are not heinous and the matter having been compromised between the complainant and petitioner No.1, 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 the FIR No.0097 dated 18.12.2019 registered under Sections 406 and 420 IPC and Section 13 of the Punjab Travel Professionals Act, 2014 at Police Station Behram, SBS Nagar and all proceedings arising therefrom, only qua petitioner No.1.

Disposed of.

March 23, 2023

Jyoti 1

(DEEPAK SIBAL)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No