

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 247

CRM-M-47546-2022

Date of decision : 07.02.2023

Gurdev Lal @ Nandu and others

..... Petitioners

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Ravi Malhotra, Advocate, for the petitioners.

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

Mr.Vipin Kumar, Advocate, for respondents No.2 to 4.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0094 dated 23.07.2022 registered under Sections 323, 324, 341, 148 and 149 IPC (Section 326 IPC added later on) at Police Station Maqsudan, District Jalandhar and all proceedings arising therefrom qua the petitioners on the basis of a compromise dated 28.09.2022 (Annexure P-2) entered into between the parties.

On 17.10.2022 this Court had directed the parties to appear before the Duty Magistrate/Illaq 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 persons arrayed as accused; whether any of them is proclaimed offender; whether the compromise is genuine, voluntary and without any coercion or undue influence; whether 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 01.02.2023 from the Judicial Magistrate Ist Class, Jalandhar 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 arrayed as accused; they have not been declared proclaimed offender(s); the compromise is genuine, voluntary and without any coercion or undue influence; the petitioners are not involved in any other case and that apart from respondent No.2, respondents No.3 and 4 are also the victims.

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.0094 dated 23.07.2022 registered under Sections 323, 324, 341, 148 and 149 IPC (Section 326 IPC added later on) at Police Station Maqsudan, District Jalandhar and all proceedings arising therefrom qua the petitioners.

07.02.2023
shamsher

[DEEPAK SIBAL]
JUDGE

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