

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 248

CRM-M-48151-2022

Date of decision : 23.02.2023

Jaswant Singh @ Bhola and others

..... Petitioners

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Ms.Gagandeep Kaur, Advocate, for the petitioners.

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

Mr.Bhupinder K. Bhangu, Advocate, for respondents No.2 to 7.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.26 dated 20.03.2022 registered under Sections 323, 341, 506, 148, 149 IPC (Section 325 IPC added later on) at Police Station City Dhuri, District Sangrur and all proceedings arising therefrom qua the petitioners on the basis of a compromise dated 10.09.2022 (Annexure P-2) entered into between the parties.

On 17.10.2022 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 total number of persons arrayed as accused; whether all the accused and complainant/victim are party to the compromise; whether any accused has been declared a proclaimed offender or any such proceedings have been initiated or pending decision; stage of the trial/proceedings and whether the compromise is genuine, voluntary and without any coercion or undue influence.

As directed, report dated 25.11.2022 from the Sub Divisional Judicial Magistrate, Dhuri 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 the accused; all the accused and complainant/victim are party to the compromise; the petitioners have not been declared proclaimed offender(s); they are not involved in any other proceedings and that the compromise is genuine and has been effected voluntarily without any force, coercion or undue influence and out of free will of the parties.

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.26 dated 20.03.2022 registered under Sections 323, 341, 506, 148, 149 IPC (Section 325 IPC added later on) at Police Station City Dhuri, District Sangrur and all proceedings arising therefrom qua the petitioners.

23.02.2023
shamsher

[DEEPAK SIBAL]
JUDGE

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