

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 248

CRM-M-48095-2022

Date of decision : 01.02.2023

Lakha Singh and others

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Ritesh Pandey, Advocate, for the petitioners.

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

None for respondent No.2.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.03 dated 16.02.2017 registered under Sections 420, 465, 467, 468, 471, 193, 196, 201 and 120-B IPC at Police Station NRI, District Gurdaspur and all proceedings arising therefrom qua the petitioners on the basis of a compromise dated 02.05.2022 (Annexure P-2) entered into between the parties.

On 18.10.2022 this Court had directed the parties to appear before the Illaqa 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 accused arraigned in the FIR and how many of them have appeared before it and have made statements and whether any of them is absconding/P.O; the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise; the stage of trial/proceedings and whether the compromise is genuine, voluntary and out of free will of the parties.

As directed, report dated 21.11.2022 from the Judicial Magistrate Ist Class, Gurdaspur 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 petitioner are arraigned as the accused; they have appeared and made their statements before the Trial Court; they have not been declared a proclaimed offender(s); respondent No.2 is the only complainant/injured/aggrieved and has appeared and made his statement before the Trial Court; the case is fixed for recording prosecution's evidence and that the compromise is genuine, voluntary and without any pressure, coercion and undue influence.

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.03 dated 16.02.2017 registered under Sections 420, 465, 467, 468, 471, 193, 196, 201 and 120-B IPC at Police Station NRI, District Gurdaspur and all proceedings arising therefrom qua the petitioners.

01.02.2023
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[DEEPAK SIBAL]
JUDGE

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