

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.236

CRM-M-56968-2022

Date of decision: 27.01.2023

Palwinder Singh and another

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Vikasdeep Singh, Advocate, for the petitioners.

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

Mr. Vivek Singla, Advocate, 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.25 dated 01.02.2020 registered under Sections 379, 427, 34, 452, 307 and 201 IPC at Police Station Sultanpur Lodhi, District Kapurthala and all subsequent proceedings arising out of it on the basis of a compromise deed dated 05.09.2022 (Annexure P-2).

Though in the FIR in question the petitioners are also accused of Section 307 IPC but admittedly, there is no injury caused by them.

On 07.12.2022 this Court had directed the parties to appear before the trial court/Illaq Magistrate concerned on 20.12.2022 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 is any other case pending against them.

As directed, report dated 16.01.2023 from the Additional Sessions Judge, Kapurthala 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 none of the accused has been declared a proclaimed offender.

Learned State counsel has also raised no objection if the present petition is allowed.

In view of the above, continuation of the proceedings in pursuance of the afore-referred FIR which though contains Section 307 IPC but in which no injury was admittedly caused to or by any person and because the matter has 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 the FIR No.25 dated 01.02.2020 registered under Sections 379, 427, 34, 452, 307 and 201 IPC at Police Station Sultanpur Lodhi, District Kapurthala and all proceedings arising therefrom, qua the petitioners.

January 27, 2023
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No