

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 256

CRM-M-59204-2022

Date of decision : 19.01.2023

Mohinder Singh and another

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Mohd.Salim, 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.237 dated 10.09.2021 registered under Sections 406 and 420 IPC at Police Station Sadar Nabha, District Patiala and all proceedings arising therefrom qua the petitioners on the basis of a compromise dated 05.10.2021 (Annexure P-2) entered into between the parties.

On 19.12.2022 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 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 FIR or not and as to how many victims/complainants are there in the FIR.

As directed, report dated 17.01.2023 from the Judicial Magistrate Ist Class, Nabha 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; none of them has been declared a proclaimed offender; the compromise is genuine, voluntary and without any pressure or undue influence; the accused are not involved in any other FIR and that respondent No.2 is the only victim/complainant in the present FIR.

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.237 dated 10.09.2021 registered under Sections 406 and 420 IPC at Police Station Sadar Nabha, District Patiala and all proceedings arising therefrom qua the petitioners.

19.01.2023
shamsher

[DEEPAK SIBAL]
JUDGE

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