

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 256

CRM-M-59633-2022

Date of decision : 16.01.2023

Avtar Singh Saran @ Pappu and others

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.P.S.Dhaliwal, Advocate, for the petitioners.

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

Mr.Supneet Singh, Advocate, for respondent No.2.

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DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.17 dated 27.03.2018 registered under Sections 341, 323, 324, 326, 148 and 149 IPC at Police Station Sehna, District Barnala on the basis of a written compromise dated 08.12.2022 (Annexure P-2) entered into between the parties.

On 21.12.2022 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 the accused are involved in any other FIR or not and that as to how many victims/complainants are there in the FIR.

As directed, report dated 06.01.2023 from the Judicial Magistrate Ist Class, Barnala 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 coercion or undue influence; the petitioners are not involved in any other FIR and that respondent No.2 is the only victim/complainant.

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.17 dated 27.03.2018 registered under Sections 341, 323, 324, 326, 148 and 149 IPC at Police Station Sehna, District Barnala and all proceedings arising therefrom qua the petitioners.

16.01.2023  
shamsher

[DEEPAK SIBAL]  
JUDGE

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