

**237 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-10331 of 2017

Date of decision: 19.05.2017

Naveen Kumar

... Petitioner

vs.

State of Punjab & Anr.

... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

* * *

Present : Mr. Onkar Rai, Advocate
for the petitioner.

Mr. Neeraj Yadav, AAG, Punjab.

None for respondent No.2.

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DEEPAK SIBAL, J.(ORAL)

Through the present petition, quashing of FIR No.225 dated 19.12.2015, registered under Sections 406, 420, 120-B of IPC and 24 of the Immigration Act, at Police Station Phase-I, SAS Nagar(Mohali) (Annexure P-1), is sought on the basis of compromise(Annexure P-2).

Through order of this Court dated 28.03.2017, the parties were directed to appear before the Illaqa Magistrate to get their statements recorded, who in turn was directed to send a report in this regard to this Court as also to apprise this Court the number of persons involved in the present FIR, is there any other criminal case pending against them and if any of them has been declared as proclaimed offender.

As directed, report dated 06.05.2017 from the Chief Judicial Magistrate, SAS Nagar Mohali, has been received, as per which the parties recorded their statements before the trial Court in terms of the compromise arrived at between them, there are two accused in the present case and none of them is 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 pertains to a commercial dispute between the private parties, the offence is not heinous and the compromise having been effected at the investigation stage would be an abuse of the process of law and in terms of the law laid down by the Full Bench of this Court in **Kulwinder Singh and others versus State of Haryana and others, 2007(3) RCR (Criminal) 1052**, I deem it just and proper to allow the petition and resultantly quash the FIR No.225, dated 19.12.2015, registered under Section 406, 420, 120-B of IPC and 24 of the Immigration Act, at Police Station Phase-I, SAS Nagar(Mohali), and all proceedings arising therefrom only qua the petitioner.

(Deepak Sibal)
Judge

May 19, 2017
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<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>