

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

CRM-M No.15335 of 2017
Date of Decision: 25.05.2017

Vijay Kumar and another

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mrs. Kiran Bala Jain, Advocate
for the petitioners.

Mr. Sharad Kumar Yadav, DAG, Haryana
for respondent No.1-State.

Mr. U. K. Agnihotri, Advocate
for respondent No.2.

DEEPAK SIBAL J. (ORAL)

Short reply by way of affidavit of respondent No.2 filed in Court today is ordered to be taken on record. A copy of the same has been handed over to the counsel opposite.

Through the present petition filed under Section 482 Cr.P.C., the petitioners seek quashing of FIR No.129 dated 16.03.2017, registered under Sections 120-B, 420, 447, 467, 468 and 471 IPC, at Police Station Ambala City, District Ambala along with all subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On May 03, 2017, while issuing notice of motion, this Court had directed the parties to appear before the Illaqa Magistrate on 10.05.2017 for recording of their statements with regard to the genuineness of the compromise, 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 apprise this Court whether the petitioners or any of their co-accused are ever declared as proclaimed offender(s) and if is there any other case pending against them.

As directed, report dated 17.05.2017 from the Chief Judicial Magistrate, Ambala has been received, as per which the parties had recorded their statements before the Illaqa Magistrate in terms of the compromise arrived at between them without any coercion or undue influence, none of the accused is declared as proclaimed offender and no other criminal case is registered/pending against any of the accused.

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

In view of the above as also for the reasons that the dispute is between the private parties; commercial in nature; the offence is not heinous; at the initial stage of investigation and that the matter having been compromised, continuation of the proceedings in pursuance of the afore-referred FIR, 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 Vs. 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.129 dated 16.03.2017, registered under Sections 120-B, 420, 447, 467, 468 and 471 IPC, at Police Station Ambala City, District Ambala and all further proceedings arising therefrom, qua the present petitioners only.

May 25, 2017

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(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No