

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.257+267

(1)

CRM-M No.16285 of 2016

Dinesh Soin and another

....Petitioners

versus

The State of Punjab and another

....Respondents

(2)

CRM-M No.9197 of 2017

Davinder Bharaj

....Petitioner

versus

The State of Punjab and another

....Respondents

Date of decision: 21.03.2017

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Harpreet Sandhu, Advocate,
for the petitioner(s).

Mr. Kirat Singh Sidhu, DAG, Punjab.

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

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DEEPAK SIBAL, J. (Oral)

This order shall dispose of two similar petitions being *CRM-M No.16285 of 2016 – Dinesh Soin and another vs. The State of Punjab and another* and *CRM-M No.9197 of 2017 - Davinder Bharaj vs. The State of Punjab and another*. For the sake of convenience, facts have been taken from *CRM-M No.16285 of 2016 – Dinesh Soin and another vs. The State of Punjab and another*.

Through the present petition, quashing of FIR No.54 dated 18.02.2016, registered under Sections 420, 120-B, 506 IPC, at Police Station Focal Point, Ludhiana City, Ludhiana, is sought for on the basis of compromise (Annexure P-1).

Through order of this Court dated 12.05.2016, the parties were directed to appear before the Illaqa Magistrate/trial Court to get their statements recorded, who in turn was directed to apprise this Court number of persons arrayed as accused in FIR, if any of them has been declared proclaimed offender and whether the compromise is genuine, voluntary and without any coercion or undue influence.

As directed, report dated 04.06.2016 from the Chief Judicial Magistrate, Ludhiana, has been received, as per which the parties recorded their statements before the trial Court in terms of the compromise arrived at between them, the petitioners and no Davinder Bhardwaj (petitioner in CRM-M No.9197 of 2017) are the only accused in the present FIR and none of the them has been declared as a proclaimed offender.

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

In view of the above, continuation of the proceedings in pursuance to the afore-referred FIR in which allegations are with regard to a commercial dispute between private parties; the matter having been compromised between them, 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.54 dated 18.02.2016, registered under

Sections 420, 120-B, 506 IPC, at Police Station Focal Point, Ludhiana City, Ludhiana, and all proceedings arising therefrom.

(DEEPAK SIBAL)
JUDGE

March 21, 2017

Jyoti 1

- (i) Whether speaking/reasoned Yes/No*
- (ii) Whether reportable Yes/No*