

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.293

CRM-M-2043-2017

Decided on : 30.05.2017

Rajneesh @ Rajnikant

..... Petitioner

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Kshitij Sharma, Advocate, for the petitioner.

Mr.Sharad Yadav, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

Through this petition, quashing of FIR No.250, dated 16.12.2014, registered under Sections 420 and 120-B IPC, at Police Station Kosli, District Rewari, alongwith all subsequent proceedings arising therefrom, is sought for on the basis of compromise.

Through order of this Court dated 27.03.2017, the parties were directed to appear before the Illaqa Magistrate for recording their statements with regard to compromise, who in turn was directed to record the statements of both the parties to its satisfaction and send a report to this Court clearly opining therein with respect to the veracity of the compromise; whether the petitioner or any of his co-accused has been declared as proclaimed offender(s) and if there is any other criminal case pending against them.

As directed, report dated 10.04.2017 from the Sub Divisional Judicial Magistrate, Kosli, has been received, as per which the parties have recorded their statements before the trial Court in terms of the compromise arrived at between them and proclamation for securing the presence of co-accused namely Amit Kumar has been issued.

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 between the parties is commercial in nature; offence not being heinous and that the compromise having been effected between them at the initial stage of investigation, continuation of the proceedings in pursuance to 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 versus State of Haryana and others*”, 2007(3) RCR (Criminal) 1052, I deem it just and proper to allow the petition and resultantly quash FIR No.250, dated 16.12.2014, registered under Sections 420 and 120-B IPC, at Police Station Kosli, District Rewari, and all proceedings arising therefrom, qua the petitioner-Rajneesh @ Rajnikant only.

30.05.2017
shamsher

[DEEPAK SIBAL]
JUDGE

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