

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 263

CRM-M-30770-2016

Decided on : 06.03.2017

Subhash Chand and others

..... Petitioner(s)

VERSUS

Union Territory, Chandigarh and another

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Sudesh Khurcha, Advocate, for the petitioner(s).

Mr. J. S. Toor, APP, UT, Chandigarh

. . .

DEEPAK SIBAL, J. (ORAL)

CRMs-35715-16-2016

Through these applications amendment/correction in the original petition is sought for.

Notice in the applications.

Mr. J. S. Toor, Advocate, who is present in Court, accepts notice on behalf of the non-applicants/respondents.

In view of averments made in the applications and after hearing learned counsel for the parties, the applications are allowed and the amended petition is ordered to be substituted with the original petition.

CRM-M-30770-2016

Through the present petition, quashing of FIR No. 191 dated 30.05.2015, registered under Sections 147, 148, 149, 323 and 506 IPC, at Police Station Sector-36, Chandigarh (Annexure P-1), alongwith all subsequent proceedings arising therefrom, is sought for on the basis of compromise (Annexure P-2).

It may be clarified that the present order is being passed only in the case of the petitioners namely Subash Chand, Trilok Chand and Dharminder and the same would not apply to Ram Kumar, who is the fourth accused.

Through order of this Court dated 01.09.2016, the parties were directed to appear before the trial court 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 as also to intimate whether any criminal case and proclamation proceedings are pending against either of the parties.

As directed, report dated 17.09.2016 from the Judicial Magistrate Ist Class, Chandigarh, has been received, as per which the parties recorded statements before the trial court in terms of the compromise arrived at between them and that no other criminal proceedings are pending against them.

Learned counsel for UT, Chandigarh, has also raised 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 the allegations pertain to a private dispute and in which the trial is at the initial 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. 191 dated 30.05.2015, registered under Sections 147, 148, 149, 323 and 506 IPC, at Police Station Sector-36, Chandigarh, and all proceedings arising therefrom qua the petitioners.

06.03.2017
shamsher

[DEEPAK SIBAL]
JUDGE

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