

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

**CRM-M No.36043 of 2016
Date of Decision: 16.05.2017**

Nitish Kumar

..... Petitioner

Versus

The State of U.T., Chandigarh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

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

Mr. Amandeep Singh Gill, Asstt. PP, UT, Chandigarh
for respondent No.1-State.

Respondent No.3 in person.

DEEPAK SIBAL J. (ORAL)

Through the present petition filed under Section 482 Cr.P.C. the petitioner seeks quashing of FIR No.135 dated 27.04.2014, registered under Sections 279, 337 IPC, at Police Station Sector-17, Chandigarh along with all consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On October 06 2016, while issuing notice of motion, this Court had directed the parties to appear before the trial Court/Illaq Magistrate on 21.10.2016 or any other date convenient to the Court 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 validity or otherwise of the compromise effected between the parties as also to intimate this Court whether any other case is pending against either of the parties and also with regard to the pendency of any P.O. proceedings against the parties.

As directed, report dated 02.11.2016 from the Chief Judicial Magistrate, Chandigarh has been received, as per which the parties had recorded their statements before the trial Court in terms of the compromise arrived at between them without any fear or undue influence and neither any other case nor PO proceedings are pending against either of the parties.

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

In view of the above, continuation of the proceedings in pursuance of the afore-referred FIR in which the allegations pertain to a private dispute between the parties; not heinous in nature; at the initial stage of investigation and the matter having been compromised, 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.135 dated 27.04.2014, registered under Sections 279, 337 IPC, at Police Station Sector-17, Chandigarh and all proceedings arising therefrom.

(DEEPAK SIBAL)
JUDGE

May 16, 2017
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No