

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

**CRM-M No.36455 of 2016
Date of Decision: 27.03.2017**

Rajwant Kaur and others

.... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Ms. Jasmine, Advocate for
Mr. Shivender Pal Singh, Advocate
for the petitioners.

Mr. Neeraj Sharma, AAG, Punjab
for respondent No.1-State.

Mr. Kamalpreet Bawa, Advocate
for respondent No.2.

DEEPAK SIBAL J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.54 dated 01.06.2013, registered under Sections 494, 420, 406 and 120-B IPC, at Police Station Hathur, District Ludhiana(R), and all subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On October 07, 2016, this Court had directed the parties to appear before the trial Court for recording of their statements with regard to the genuineness of the compromise, who in turn was directed to send a report along with the statements of the parties with regard to the validity or otherwise of the compromise effected between the parties and also intimate whether any case is pending against either of the parties.

As directed, report dated 08.11.2016 from the Civil Judge (Junior Division)-cum-Judicial Magistrate, Ist Class, Jagraon 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 which is genuine, voluntary and without any coercion or undue influence and there is one divorce petition and another FIR No.186 dated 25.10.2013, registered under Sections 406, 498-A IPC, at Police Station Samrala pending between the parties before some other Court.

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

In view of the above, continuation of the proceedings in pursuance of the afore-referred FIR which reveals a commercial dispute between the private parties, in which trial is yet to commence, 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.54 dated 01.06.2013, registered under Sections 494, 420, 406 and 120-B IPC, at Police Station Hathur, District Ludhiana(R) and all proceedings arising therefrom, qua the present petitioners.

March 27, 2017

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**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No