

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

Sr. No. 242

CRM-M-40359-2016

Decided on : 28.04.2017

Mohit Sharma and another

..... Petitioner(s)

VERSUS

State of Union Territory, Chandigarh and another

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. HPS Ishar, Advocate for
Mr. Sanjeev Patiyal, Advocate
for the petitioners.

Mr. A.S. Sullar, Advocate
for respondent No.1.

None 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.63 dated 24.06.2016, registered under Sections 380, 457 IPC, at Police Station Sarangpur, U.T., Chandigarh, and all subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Vide orders dated 10.11.2016 and 27.02.2017, this Court had directed the parties to appear before the Illaqa Magistrate/trial 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 veracity of the compromise, if any, between the parties as also to apprise this Court the number of persons involved in the present FIR and whether any of them has been declared as a proclaimed offender.

As directed, report dated 23.03.2017 from the Judicial Magistrate, Ist Class, 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, the petitioners are the only accused in the present FIR and none of them has been declared as proclaimed offender.

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

In view of the above as also for the reason that the dispute between the parties is private in nature; not heinous; investigation is yet to be concluded and that 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.63 dated 24.06.2016, registered under Sections 380, 457 IPC, at Police Station Sarangpur, U.T., Chandigarh and all proceedings arising therefrom.

April 28, 2017

Jyoti 1

**[DEEPAK SIBAL]
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No