

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 265

CRM-M-43154-2016

Decided on : 06.03.2017

Tejinder Kalra

..... Petitioner(s)

VERSUS

State of UT, Chandigarh and another

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Jasraj Singh, Advocate, for the petitioner(s).

Mr. Sukant Gupta, Addl. P. P., UT, Chandigarh.

Mr. Vikram Jeet Singh, Advocate, for
Mr. Aman Pal, Advocate, for the complainant/respondent No. 2.

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DEEPAK SIBAL, J. (ORAL)

Through the present petition, quashing of FIR No. 76 dated 28.04.2016, registered under Section 420 IPC and Section 24 of the Immigration Act, at Police Station I. T. Park, Chandigarh, District Chandigarh (Annexure P-1), alongwith all subsequent proceedings arising therefrom, is sought for on the basis of compromise (Annexure P-2).

Through order of this Court dated 10.01.2017, the parties were directed to appear before the Illaqa Magistrate to get their statements recorded to the effect that the compromise has actually been arrived at between them. After recording of the statements, the Illaqa Magistrate was directed to furnish to this Court its report alongwith the recorded statements, clearly opinion therein with respect to the veracity of the compromise.

As directed, report dated 04.02.2017 from the Judicial Magistrate Ist Class, Chandigarh, has been received, as per which the parties recorded their statements before the Illaqa Magistrate, in terms of the compromise arrived at between them and the same is genuine, voluntary and without any coercion or undue influence.

Learned counsel for UT, Chandigarh has also raised no objection.

In view of the above, continuation of the proceedings in pursuance to the afore-referred FIR in which allegations are with regard to a commercial dispute between the parties in which the trial has not yet commenced, the matter having been compromise, 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. 76 dated 28.04.2016, registered under Section 420 IPC and Section 24 of the Immigration Act, at Police Station I. T. Park, Chandigarh, District Chandigarh, and all proceedings arising therefrom.

06.03.2017
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[DEEPAK SIBAL]
JUDGE

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