

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.230

CRM-M-44461-2016

Decided on : 12.05.2017

Tasbir Singh @ Babbi

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Vikas Gupta, Advocate, for the petitioner.

Mr.K.S.Sidhu, DAG, Punjab.

Mr.Kuldeep Singh, Advocate, for respondent No.2.

DEEPAK SIBAL, J. (ORAL)

Through this petition, quashing of FIR No.185, dated 15.10.2016, registered under Sections 420 and 506 IPC, at Police Station City Tarn Taran, District Tarn Taran, alongwith all subsequent proceedings arising therefrom, is sought for on the basis of the compromise.

Through order of this Court dated 02.03.2017, the parties were directed to appear before the Illaqa Magistrate for recording their statements with regard to the compromise, who in turn was directed to record the statements of both the parties to its satisfaction and send a report to this Court clearly opining therein with respect to the veracity of the compromise, if any, between the parties; whether the petitioner or his co-accused is ever declared as a proclaimed offender as also is there any other case pending against him.

As directed, report dated 23.03.2017 from the Chief Judicial Magistrate, Tarn Taran, has been received, as per which the parties have recorded their statements before the trial court in terms of the compromise arrived at between them, the petitioner is the only accused in the present case and he has not 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 reasons that the present dispute is commercial in nature between the private parties; not heinous in nature and the compromise having been effected between them, continuation of the proceedings in pursuance to the afore-referred FIR, 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 FIR No.185, dated 15.10.2016, registered under Sections 420 and 506 IPC, at Police Station City Tarn Taran, District Tarn Taran, and all proceedings arising therefrom.

12.05.2017
shamsher

[DEEPAK SIBAL]
JUDGE

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