

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

**CRM-M No.44865 of 2016
Date of Decision: 27.03.2017**

Naresh Kumar

.... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Rajeev Kawatra, Advocate
for the petitioner.

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

Mr. Vaneet Kumar Sharma, Advocate
for respondent No.2/complainant.

DEEPAK SIBAL J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.167 dated 30.08.2016, registered under Sections 384 and 506 IPC, at Police Station Kotwali, Kapurthala, District Kapurthala, Punjab, on the basis of compromise (Annexure P-2).

On January 27, 2017, this Court had directed the parties to appear before the Illaqa Magistrate on 02.02.2017 for recording of their respective statements with regard to the compromise/settlement, 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 whether the accused was ever declared as a proclaimed offender and is there any other case pending against him.

As directed, report dated 17.02.2017 from the Judicial Magistrate, Ist Class, Kapurthala 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; no other case is pending against the present accused and also no proclamation proceedings are pending against him.

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 pertains a dispute between the private parties, who related to each other, where the investigation is at the initial stage 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.167 dated 30.08.2016, registered under Sections 384 and 506 IPC, at Police Station Kotwali, Kapurthala, District Kapurthala, Punjab and all proceedings arising therefrom, qua the petitioner.

March 27, 2017

rittu

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No