

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.272

CRM-M-45074-2016

Decided on : 18.05.2017

Babli Devi and others

..... Petitioners

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.S.K.Chaudhary, Advocate, for the petitioners.

Mr.Rajat Bansal, AAG, Punjab.

Mr.S.K.Arya, Advocate, for respondents No.2 and 3.

DEEPAK SIBAL, J. (ORAL)

Through this petition, quashing of FIR No.15, dated 09.10.2016, registered under Sections 420, 120-B and 34 IPC, at Police Station Dhar Kalan, Pathankot, District Pathankot, alongwith all subsequent proceedings arising therefrom, is sought for on the basis of compromise.

Through order of this Court dated 07.03.2017, the parties were directed to appear before the Illaqa Magistrate for recording their statements with regard to 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; whether the petitioners or any of their co-accused are ever declared as proclaimed offender(s) and if is there any other criminal case pending against them.

As directed, report dated 12.04.2017 from the Judicial Magistrate, Ist Class, Pathankot, has been received, as per which the parties have recorded their statements before the Illaqa Magistrate in terms of the compromise arrived at between them.

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 between the private parties, having a civil colour; the offence not being heinous and that the compromise having been effected between them at the stage of investigation, 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.15, dated 09.10.2016, registered under Sections 420, 120-B and 34 IPC, at Police Station Dhar Kalan, Pathankot, District Pathankot, and all proceedings arising therefrom.

18.05.2017
shamsher

[DEEPAK SIBAL]
JUDGE

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