

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 267

CRM-M-45939-2016

Decided on : 06.04.2017

Baljit Singh

..... Petitioner(s)

VERSUS

State of Punjab and another

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.R.S.Chauhan, Advocate, for the petitioner.

Mr.Neeraj Yadav, AAG, Punjab.

Mr.G.S.Jagpal, Advocate, for respondent No.2.

DEEPAK SIBAL, J. (ORAL)

Through the present petition, quashing of FIR No.131 dated 19.05.2016, registered under Sections 406 and 420 IPC and Section 24 of the Immigration Act, at Police Station Sohana, District Mohali, alongwith all subsequent proceedings arising therefrom, is sought for on the basis of compromise.

Through order of this Court dated 27.01.2017, 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 as also to intimate whether the accused is ever declared as a proclaimed offender and is there any other case pending against him.

As directed, report dated 16.02.2017 from the Chief Judicial Magistrate, Mohali, has been received, as per which the parties recorded their statements before the trial court in terms of the compromise arrived at between them; no other criminal proceedings are pending against them and that no PO proceedings are pending in this case.

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 present dispute which is between the private parties is of commercial 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.131 dated 19.05.2016, registered under Sections 406 and 420 IPC and Section 24 of the Immigration Act, at Police Station Sohana, District Mohali, and all proceedings arising therefrom.

06.04.2017
shamsher

[DEEPAK SIBAL]
JUDGE

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