

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.277

CRM-M No.5233 of 2017

Date of decision: 05.04.2017

Kunal and others

....Petitioners

versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

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

Mr. Rajat Bansal, AAG, Punjab.

Mr. S.K. Arya, Advocate
for respondents No.2 to 5.

* * *

DEEPAK SIBAL, J. (Oral)

Through the present petition, quashing of FIR No.151 dated 05.12.2015, registered under Sections 452, 324, 323, 148, 149 IPC, at Police Station Division No.2, District Pathankot, is sought for on the basis of compromise (Annexure P-2).

Through order of this Court dated 17.02.2017, the parties were directed to appear before the Illaqa Magistrate to get their statements recorded, who in turn was directed to send a report to this Court as also to apprise this Court the number of persons involved in the present FIR and whether any of them has been declared as proclaimed offender.

As directed, report dated 01.03.2017, from the Judicial Magistrate, Ist Class, Pathankot, has been received, as per which the parties recorded their statements before the trial Court in terms of the compromise arrived at between them, none of the accused has been declared proclaimed offender and no other case is pending against them.

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 dispute between the parties is a private dispute, the investigation is at the initial stage where the trial is yet to begin and the matter having been compromised, 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 the FIR No.151 dated 05.12.2015, registered under Sections 452, 324, 323, 148, 149 IPC, at Police Station Division No.2, District Pathankot, and all proceedings arising therefrom qua the petitioners.

(DEEPAK SIBAL)
JUDGE

April 05, 2017
Jyoti 1

(i) Whether speaking/reasoned Yes/No
(ii) Whether reportable Yes/No