

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.15103 of 2015

Date of decision: August 05, 2015.

Devinder @ Rinku @ Daku and another

... **Petitioners**

v.

State of UT Chandigarh & another

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Shri Chander Shekhar Singhal, Advocate, for the petitioners.
Ms. Ashima Mor, Advocate Standing Counsel
for respondent No.1.
Shri Rinku Balian, Advocate for respondent No.2.

Darshan Singh, J. (Oral):

The present petition has been filed by the petitioner under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C.") for seeking quashing of FIR No. 70 dated 6.2.2015, registered under Sections 341, 323, 506, 34 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station Mani Majra, Chandigarh (Annexure P-1) and all the subsequent proceedings on the basis of the compromise deed dated 24.4.2015 (Annexure P2).

2. Vide order dated 8.5.2015, this Court has directed the parties to get their statements recorded before the Illaqa Magistratetrial court. The learned Judicial Magistrate was also directed to send its report with regard to the validity or otherwise of the compromise after recording the statements

of the concerned parties.

3. In compliance of the aforesaid order, report has been received from the learned Judicial Magistrate 1st Class, Chandigarh through the learned District & Sessions Judge, Chandigarh along with the copies of the statements of the parties. The operative part of the report of the learned Judicial Magistrate is reproduced as under:

“The complainant has made a statement that the matter has been compromised with the accused Devinder @ Rinku @ Daku and Nadeem @ Naveen @ Umar Farooq and he has no objection in case FIR lodged against the accused persons is quashed.

The accused have also made a similar statement stating that the matter has been compromised by the complainant with them and they have also prayed for quashing the present FIR.

... as per reported submitted by IO concerned the present FIR has been registered against two accused i.e. Rinku @ Daku and Naveen and none of the aforesaid accused are declared proclaimed offender. ... I am satisfied that the compromise is genuine, voluntary and without any coercion or undue influence.”

4. Learned counsel for the petitioners contended that the parties have amicably resolved the dispute and the continuation of the proceedings will be an abuse of the process of the Court. The compromise, between the parties voluntarily and with their free will, should be given due weightage

and the present proceedings should be quashed. To support his contentions, he relied upon the judgments rendered by the Hon'ble Apex Court in ***Gian Singh v. State of Punjab & Another 2012(4) R.C.R. (Criminal) 543*** and ***Shiji alias Pappu & Others v. Radhika & Another 2012(1) R.C.R. (Criminal)9 (SC)*** and also by Full Bench of this Court in ***Kulwinder Singh & Others v. State of Punjab & Another 2007(3) R.C.R. (Criminal)1052***.

5. The factum regarding compromise between the parties has also not been disputed at bar by the learned State counsel. Learned counsel for respondent No.2 has also fairly conceded that in view of the compromise effected between the parties, the complainant/victim has no objection if the impugned FIR and the consequential proceedings are quashed.

6. As per the prosecution allegations, the petitioners are accused of wrongfully restraining and causing hurt to the complainant, who was a 9th standard student and was on his way to attend his tuition classes, as also of threatening him while leaving the spot.

7. From the statements of the complainant as well as of the petitioners recorded by the learned Judicial Magistrate and her report, it comes out that both the parties have voluntarily and with their free consent without any inducement, threat or promise, sorted out their dispute and have effected compromise. The photocopy of the compromise deed has already been placed on record as Annexure P2.

8. Taking into consideration these facts, this Court is of the opinion that the ultimate chances of conviction of the petitioner are bleak. Therefore, the pendency of FIR and continuation of the proceedings would

be a sheer abuse of the process of law.

9. Thus, in view of the factum of the compromise and the law laid down by the Hon'ble Apex Court and also the Full Bench of this Court in the cases referred to above, this petition is hereby allowed. FIR No. 70 dated 6.2.2015, registered under Sections 341, 323, 506, 34 IPC at Police Station Mani Majra, Chandigarh (Annexure P-1) and all the consequent proceedings arising therefrom are hereby quashed. If the case has already been decided by the trial Court, then this order will be of no effect.

August 05, 2015.
kadyan

[Darshan Singh]
Judge