

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

CRM-M No.17203 of 2015

Date of decision: July 30, 2015.

Sukhbir Singh Hooda

... **Petitioner**

v.

U.T. Chandigarh and another

... **Respondents**

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

Present: Shri Tribhuvan Dahiya, Advocate, for the petitioner.
Ms. Ashima Mor, Advocate Standing Counsel
for respondent No.1.
Shri Jatin Khullar, 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. 102 dated 21.4.2012, registered under Sections 380, 467, 468, 471, 420 of the Indian Penal Code, 1860 (hereinafter referred to as “IPC”) at Police Station Sector 17, Chandigarh (Annexure P-1) and all the subsequent proceedings on the basis of the compromise deed dated 16.5.2015 (Annexure P2).

2. Vide order dated 25.5.2015, this Court has directed the parties to get their statements recorded before the Illaqa Magistrate/trial court. The learned Illaqa Magistrate/trial court 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 Chief Judicial Magistrate, Chandigarh along with the copies of the statements of the parties. The operative part of the report of the learned Sub Divisional Judicial Magistrate is reproduced as under:

“... and statements of effected parties i.e. Complainant-respondent Rishi Pal son of Sh. Sultan Singh and petitioner-accused Sukhbir Hudda son of Sh. Sewa Singh Hudda was recorded with regard to the said compromise. They were explained the consequences of making statement for the compromise and it was ensured that they were making statement free from any influence. Statement of Investigating Officer ASI Sanjay Dutt was also recorded to the effect that in the present case, FIR was registered against one person namely Sukhbir Singh Hooda who is facing trial and no one has been declared proclaimed offender in this case. As per the statement of parties also, no third party has been effected from the said compromise.

Compromise as effected between the parties appears to be without any fear or undue influence.”

4. Learned counsel for the petitioner 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 complainants/victims has no objection if the impugned FIR and the consequential proceedings are quashed.

6. As per the prosecution allegations, the complainant is alleged to have been duped of a sum of Rs.1,60,000/- by the petitioner after stealing his cheque and withdrawing the said amount from his accounts by forging his signatures thereon.

7. From the statements of the complainant as well as of the petitioner recorded by the learned Judicial Magistrate and his 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. 102 dated 21.4.2012, registered under Sections 380, 467, 468, 471, 420 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station Sector 17, Chandigarh (Annexure P-1) and all the consequent proceedings arising therefrom against petitioner Sukhbir Singh Hooda are hereby quashed. If the case has already been decided by the trial Court, then this order will be of no effect.

July 30, 2015.
kadyan

[Darshan Singh]
Judge