

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No. 18391 of 2015

Date of decision:-01.12.2015

Rachit Sharma & anr.

.....Petitioners

Versus

Union Territory of Chandigarh & anr.

.....Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No

2. To be referred to the Reporters or not? Yes/No

3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. Munish Behl, Advocate, for the petitioners.

Ms. Ashima Mor, Advocate,
for U.T., Chandigarh

DAYA CHAUDHARY, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.26 dated 24.01.2015, under Sections 420, 467,468, 471 & 120-B IPC at Police Station Sector 39, Chandigarh, on the basis of compromise effected between the parties.

While issuing notice of motion on 28.05.2015, the parties were directed to appear before the Illaqa Magistrate for recording of their statements with regard to the genuineness of the compromise. In compliance of aforesaid direction issued by this Court the parties have appeared before JMIC Chandigarh and a report along with the statement has been sent, which is on record.

A joint statement of complainant Anil Chawla and accused Rachit Sharma for himself as well as on behalf of accused Dr. Reetika, being Special Power of Attorney was recorded. The parties have stated that the compromise has been effected at their own free will, without any threat or coercion with the intervention of the respectable of both the sides. The complainant Anil Chawla has no objection in case the accused are acquitted of the charge or FIR

is quashed qua to them. A report alongwith the statements of the parties has been sent by JMJC Chandigarh and the same is on record.

Since the dispute between the parties has been compromised and the complainant has no objection in quashing of the FIR, there is no justification in continuing with the proceedings as no purpose would be served as the complainant has no grouse against the accused petitioners. Moreover, the complainant is not going to support the case of the prosecution because of compromise and it would be a futile exercise and valuable time of the Court will be wasted. Moreover, this Court has power under Section 482 Cr.P.C. to quash the proceedings even in non-compoundable offence to prevent abuse of process of law or to secure the ends of justice as has been held by the Larger Bench of this Court in judgment titled “**Kulwinder Singh Vs. State of Punjab 2007(3) RCR (Criminal) paged 1052**”.

Accordingly, the present petition is allowed. FIR No.26 dated 24.01.2015 registered under Sections 420,467,468,471 & 120-B IPC registered at Police Station Sector 39, Chandigarh and other proceedings arising therefrom are quashed qua to the present petitioners namely, Rachit Sharma and Dr. Reetika Sodhi.

01.12.2015

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**(DAYA CHAUDHARY)
JUDGE**