

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M-25647 of 2014

Date of decision: 24.08.2015

Naginder Singh

----Petitioner(s)

V/s

UT Chandigarh and another

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Jaswinder Singh Bagga, Advocate for the petitioner.

Mr. Amandeep Singh Gill, Asstt. P.P. U.T. Chandigarh.
for respondent No.1.

Respondent No.2 present-in-person.

HARI PAL VERMA, J. (Oral)

Prayer made in the present petition filed under Section 482 Cr.P.C. is for quashing of the case FIR No.79, dated 17.02.2014 (Annexure P-1), under Section 420 IPC, registered at Police Station, Mani Majra, Chandigarh and all subsequent proceedings in Court of Judicial Magistrate, Chandigarh, on the basis of compromise/settlement dated 11.03.2014 entered between the parties before the Mediation Centre, District Court, Chandigarh (Annexure P-2).

Learned counsel for the petitioner contends that as per the compromise/settlement dated 11.03.2014 entered between the parties before the Mediation Centre, District Court, Chandigarh, the dispute has been resolved and one of the terms and conditions reads as under:-

1. That it has been settled between the parties that the 2nd party will give Rs.65,000/- to the 1st party as a full and final settlement (i.e. which includes amount of spare parts purchased from M/S Maya Motors SCF No.351, new Motor Market opposite Post Office Manimajra, Chandigarh vide bill No. 6669 dated 7.1.2014, labour and other miscellaneous amount) and out of which the 2nd party had given Rs.30,000/- vide draft No.668177 dated 11/03/2014 drawn on Federal Bank Ltd. Kurali to the 1st party and the 1st party has received the above-mentioned draft from 2nd party in the 2nd party will file quashing petition under Section 482 CR.P.C. before the Hon'ble High Court and the 1st party will fully cooperate with the 2nd party for getting the above mentioned FIR quashed and the 1st party will suffer the statement in favour of 2nd party and the rest of the amount that is Rs.35,000/- will be given to the 1st party by the 2nd party at the time of quashing of FIR.

Learned counsel for the petitioner further contends that on notice having been issued, respondent No.2 is present in Court, he has been identified by learned counsel for the petitioner as well as by the concerned Investigating Officer, namely, Sub-Inspector-Mohinder Singh.

In terms of the compromise stated above, Mr. Jaswinder Singh Bagga, Advocate for the petitioner has handed over balance amount of Rs.15,000/- as required payment to the respondent No.2/ complainant in Court today.

Mr. Amandeep Singh Gill, Asstt. P.P. U.T. Chandigarh, for respondent No.1 and does not dispute the factum of compromise entered between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR qua the petitioner.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 (P&H) and approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)10 SCC 303, this petition is allowed and FIR No. 79, dated 17.02.2014 (Annexure P-1), under Section 420 IPC, registered at Police Station, Mani Majra, Chandigarh and all subsequent proceedings in Court of Judicial Magistrate, Chandigarh, on the basis of compromise/settlement dated 11.03.2014 entered between the parties before the Mediation Centre, District Court, Chandigarh (Annexure P-2), are hereby quashed.

August 24, 2015
Anjal

(HARI PAL VERMA)
JUDGE