

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-2738 of 2015

Date of Decision: 20.4.2015

Nikhil Bhatt

... Petitioner(s)

Versus

State of U.T. Chandigarh and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Darshan Singh.

Present: Mr. Mukhbir Singh Punia, Advocate
for the petitioner(s).

Mr. Rajiv Sharma, Additional Public Prosecutor,
for U.T. Chandigarh/respondent No.1.

Mr. Navneet Jindal, Advocate
for respondent No.2.

Darshan Singh, J.

1. The present petition has been filed by the petitioner/accused-Nikhil Bhatt under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C.") for quashing of FIR No. 13 dated 7.1.2012, registered under Sections 323, 506, 325 & 34 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station Sector 34, Chandigarh and all the subsequent proceedings on the basis of the compromise deed dated 11.12.2014 (Annexure P2).

2. Vide order dated 27.1.2015, a Co-ordinate Bench of this Court has directed the parties to get their statements recorded before the trial Court. The 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 Judicial Magistrate Ist Class, Chandigarh through the learned District & Sessions Judge, Chandigarh along with the copy of the statements of the parties. The operative part of the report of the learned Magistrate is reproduced as under:

*“Thus, it is submitted that on 06.02.2015, both the parties i.e. **complainant Balbir Singh** s/o Balbir Singh, r/o Ward No. 9/911, near Samrat Hotel, Moga along with counsel Navneet Jindal, Advocate and **accused Nikhil Bhat** s/o Chaman Lal, r/o H. No. 2, Shiv Partap Nagar, Ambala Cantt along with counsel Krishan Singla appeared in the Court. Complainant suffered a separate statement appeared in the Court. Complainant suffered a separate statement that on his complaint, FIR No. 13 dated 7.1.2012 under Sections 323/506/325/34 IPC was registered at Police Station 34, Chandigarh against the accused Nikhil Bhat. He further stated that he has compromised the matter with the accused voluntarily without any coercion or pressure, as such, he does not want to pursue the instant case. He extended no objection if FIR in the instant case is quashed by the Hon'ble High Court. Accused Nikhil Bhat vide his separate statement admitted the correctness of statement of complainant and stated that the matter has been compromised between them. He also extended no object if FIR is quashed by the Hon'ble High Court in the instant case.*

It is certified that the both the parties have suffered their statements in the Court voluntarily, without any coercion or pressure and their statements are genuine. There is no ambiguity in their said statements. True copy of statements of parties is sent enclosed herewith.”

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 complainant/victim has no objection if the impugned FIR and the consequential proceedings are quashed.

6. The petitioner has been indicted as accused for the offences punishable under Sections 323, 506, 325 & 34 IPC on the allegations that on the night intervening 6/7.1.2012, complainant-Balraj Beer Singh

along with his colleagues Virender Malhi and Rahul Rana were sleeping in their room. At about 3.15 A.M., someone knocked at the door of the room. When the complainant opened the door, he saw Nikhil along with some unknown person. Thereafter, Nikhil gave a brick blow which hit on his head and his companion hit his head with an iron rod. Thereafter, the said unknown person had also hit his left arm with an iron rod. On raising an alarm, the colleagues of the complainant woke up and rescued him from Nikhil and his accomplice. While going away, Nikhil threatened the complainant to kill him and fled away from the spot. Thereafter, the colleagues of the complainant had taken him to the Inscol Hospital, Sector 34, Chandigarh for treatment.

7. From the statements of the complainant as well as of the petitioner recorded by the learned 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 is 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. 13 dated 7.1.2012, registered under Sections 323, 506, 325 & 34

IPC at Police Station Sector 34, Chandigarh and all the consequent proceedings arising therefrom are hereby quashed.

(Darshan Singh)
Judge

April 20, 2015
“DK”