

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 40533 of 2013

Date of decision: 31.08.2015

Prashant Sharma

----Petitioner(s)

V/s

UT of 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. Prashant Sharma, Petitioner-in-person.

Mr. Gautam Kaile, Advocate for
Mr. Rajiv Sharma, Advocate for UT Chandigarh.

Mr. J.S. Rattu, Advocate for respondent No.2-complainant.

HARI PAL VERMA, J. (Oral)

Prayer made in the present petition filed under Section 482 Cr.P.C. is for quashing of the impugned FIR No. 150, dated 30.07.2013 for offence under Section 406 IPC registered at Police Station, Sector-3, Chandigarh (Annexure P-1) as well as all consequential proceedings arising therefrom on the basis of compromise/settlement deed 02.02.2015.

This Court vide order dated 08.04.2015, has passed the following order:-

“It is submitted by counsel for the petitioner and counsel for respondent No.2, i.e. complainant, that in the present case as also in other three petitions mentioned above, compromise has been effected between the parties. Civil

litigation is also pending which shall be withdrawn by the respective party. Copy of compromise deed has been filed.

Counsel for UT Chandigarh submits that if compromise has been effected, the petition may be withdrawn. However, that will not serve the purpose because if the petition is withdrawn, the FIR shall still stand.

Adjourned to 20.7.2015.

It is stated that in one of the cases before the trial Court, i.e. FIR No.54, the date fixed is 29.4.2015. The other three cases are fixed ahead. It is, therefore, directed that parties shall appear before the trial Court on 29.4.2015 for getting their statements recorded on the basis of compromise. The trial Court shall take up three cases as well and record the statements of the parties concerned on the basis of compromise. The Magistrate shall also record an opinion whether the compromise was voluntarily entered into and whether any other criminal proceedings are pending against any of the petitioners with further report as to whether any of the petitioner/accused was declared proclaimed offender at any stage. Report be sent by the Court concerned before the next date fixed here, i.e. 20.7.2015.

Photocopy of this order be placed on files of connected cases. ”

Pursuant to the aforesaid order dated 08.04.2015, the parties have appeared before learned Judicial Magistrate Ist Class, Chandigarh, and got their statements recorded. On the basis of the statements so recorded by the parties, learned Judicial Magistrate Ist Class, Chandigarh, has submitted his report dated 30.04.2015, to the effect that the compromise entered between the parties is genuine, voluntary and the same has been effected without any coercion and undue influence.

Mr. J.S. Rattu, Advocate, has put in appearance on behalf of respondent No.2-complainant and submits that he has no objection if the present FIR is quashed.

Learned State counsel has also admitted 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. 150, dated 30.07.2013 for offence under Section 406 IPC, registered at Police Station, Sector-3, Chandigarh (Annexure P-1) as well as all consequential proceedings arising therefrom on the basis of compromise/settlement deed 02.02.2015, are hereby quashed.

August 31, 2015
Anjal

(HARI PAL VERMA)
JUDGE