

**In the High Court of Punjab and Haryana, at Chandigarh**

**Criminal Misc. No. M-4874 of 2015**

**Date of Decision: 30.3.2015**

Ramesh Chander and Another

... Petitioner(s)

Versus

Union Territory of Chandigarh and Others

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Darshan Singh.**

Present: Mr. J.S.Bagga, Advocate  
for the petitioner(s).

Mr. Dinesh Kumar, Advocate  
for respondents No. 2 & 3.

**Darshan Singh, J.**

1. The present petition has been filed by the petitioner/accused- Ramesh Chander and Naresh Sharma under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C.") for quashing of FIR No. 186 dated 9.5.2014, registered under Sections 323, 325, 341, 354, & 506 read with Section 34 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station Sector 39, Chandigarh and all the subsequent proceedings on the basis of the compromise (Annexure P2).

2. Vide order dated 13.2.2015, 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 statement of the parties and the order dated 4.3.2015 passed by the learned Judicial Magistrate. The operative part of the order passed by the learned Judicial Magistrate reads as under:

*“Statements of complainant Ms. Jyoti Sharma; injured Shri Pawan Sharma and accused Naresh Sharma and Ramesh Chander recorded separately. After going through statements made by said persons, this Court is of the opinion that parties have settled the matter voluntarily, without any pressure or coercion from any quarter.”*

4. Learned counsel for the petitioners 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. Learned counsel for respondent No.2 has 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 petitioners have been indicted as accused for the offences punishable under Sections 323, 325, 341, 354, & 506 read with

Section 34 IPC on the allegations that they outraged the modesty of a young lady, while going to her office. They had also beaten her and her family. In the said incident, her brother suffered injuries in the finger of his left hand. On her complaint, lodged with the police, FIR (Annexure P1) was registered.

7. From the joint statement of the complainant as well as of the petitioners, 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 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 petitioners 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. 186 dated 9.5.20104, registered under Sections 323, 325, 341, 354, & 506 read with Section 34 IPC at Police Station Sector 39, Chandigarh and all the consequent proceedings arising therefrom are hereby quashed.

**(Darshan Singh)**  
**Judge**

**March 30, 2015**  
"DK"