

271.

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-10163-2016

Date of decision:27.09.2016

Shatrudhan Bhandari

... Petitioner

versus

Union Territory, Chandigarh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Naresh Kumar Manchanda, Advocate,
for the petitioner.

Mr. G.S. Chahal, APP, U.T., Chandigarh.

Mr. A.D.S. Bal, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.12 dated 18.01.2016 under Sections 279/337 IPC registered at Police Station I.T. Park, District Chandigarh, U.T. (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 08.02.2016 (Annexure P-2).

This Court vide orders dated 21.03.2016 and 28.05.2016 had directed the parties to appear before the trial Court and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid orders, parties have appeared before learned Judicial Magistrate Ist Class, Chandigarh and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 23.08.2016 to the effect that the compromise effected between parties seems to be genuine, voluntary and without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.3-complainant, namely, Mahesh Kumar, but no prejudice would be caused to him as he has already made his statement with regard to the compromise before learned Magistrate on 20.08.2016. The same is being reproduced as under:-

“The matter has been compromised between the victim Baby and accused Shatrudhan. I was merely a complainant and I was not a victim. I have no objection if compromise is arrived between the parties. Compromise is voluntary in nature.”

Apart from this, respondent No.2, namely, Baby has also made similar statement with regard to compromise before the learned Magistrate on 02.08.2016 whereby she has shown no objection to the FIR being quashed.

The learned counsel for UT, Chandigarh and learned counsel for respondent No.2 have not disputed the factum of compromise 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 F.I.R.

Following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052** and approved by the Hon'ble Supreme Court in **Gian Singh Versus State of Punjab and others (2012)**

10 SCC 303, this petition is allowed and F.I.R. No.12 dated 18.01.2016

under Sections 279/337 IPC registered at Police Station I.T. Park, District Chandigarh, U.T. (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 08.02.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

27.09.2016
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Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.