

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CRM-M-16946-2015

Date of Decision: February 17, 2016

Minutu Mathwan and others

...Petitioners

Versus

State of Chandigarh (UT) and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Maheshinder Singh Sidhu, Advocate,
for the petitioners.

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

.....

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

NARESH KUMAR SANGHI, J (Oral)

Prayer in this petition filed under Section 482 Cr.P.C., is for quashing of FIR No. 292, dated 06.07.2014 (Annexure P-1), for the offences punishable under Sections 147, 148, 324 and 452 read with Section 149, IPC, registered at Police Station, Manimajra, Chandigarh, and all the consequential proceedings arising therefrom on the basis of the compromise/affidavit (Annexure P-2).

Vide order dated 14.10.2015, passed by this Court, the affected parties were directed to appear before learned Area Judicial Magistrate for getting their respective statements recorded with regard to compromise. The said Court was directed to send a detailed report in that regard along with copies of the statements to this Court.

In compliance of the above, the petitioners (thirteen in number) as well as Updesh Kumar, respondent No. 2/injured, did appear before the said Court and got recorded their statements.

Updesh Kumar suffered the following statement:

“On my complaint FIR No. 292 dated 06.07.2014 U/S 147, 148, 149, 324, 452 IPC was registered at PS-Manimajra Chandigarh against 1) Mintu Mathwan 2) Santy Kumar, 3) Vijay 4) Ravi Kumar 5) Reena 6) Bimla 7) Teena 8) Naina 9) Satguru 10) Meena Devi 11) Manju Rishan 12) Ramesh Kumar 13) Dharam Rishan. 1 to 8 & 12 is R/o of 719/19, Bapu Dham colony, Sector-26, Chandigarh. No. 9 & 10 are resident of 2066 Mouli Jagran colony, Chandigarh. No. 11 & 13 are resident of 3826, Mouli Jagran Colony, Chandigarh. The matter

is compromised with all the accused parties with the intervention of relatives, respectable friends of both the sides. I do not want to pursue the present FIR with my free consent and without any coercion, undue influence from any side. I have no objection if the present FIR is quashed against all the accused on my this statement.”

Similar statements were suffered by the petitioners, admitting the factum of compromise.

The operative part of the report received from learned Court below is as under:

“In humbly submitted that in pursuance of the order of the Hon’ble High Court in CRM-M-16946 of 2015, the statement of accused and complainant were recorded on 31.10.2015 and of two accused on 07.11.2015. The matter has been compromised between the parties voluntarily without any threat, coercion and undue influence. Copies of the Zimni orders, statements of parties are enclosed with this letter for your kind

perusal.”

Learned counsel for the State on instructions from Sub Inspector Randhir Singh of Police Station, Manimajra, Chandigarh, also admits the factum of compromise and has no objection, if the impugned FIR No. 292, dated 06.07.2014, registered at Police Station, Manimajra, Chandigarh, and all the consequential proceedings arising therefrom are quashed on the basis of compromise.

Learned counsel for the petitioners contends that on account of a petty issue, the quarrel had originated, in which Updesh Kumar, respondent No. 2, had allegedly received the simple injuries, which have healed and he (respondent No. 2) is leading a normal life. He further contends that the petitioners as well as the informant/complainant/injured are living in vicinity, and the compromise effected between the parties would lead them to live peacefully. He further submits that in view of the compromise so effected between the parties, pendency of the impugned FIR and all the consequential proceedings emanating therefrom would be sheer abuse of the process of law.

After hearing learned counsel for the parties, going through the statements suffered by the affected parties and report received from learned Court below, this Court is of the

considered opinion that pendency of the impugned FIR and all the consequential proceedings arising therefrom are sheer abuse of the process of law.

As a sequel thereto, FIR No. 292, dated 06.07.2014 (Annexure P-1), for the offences punishable under Sections 147, 148, 324 and 452 read with Section 149, IPC, registered at Police Station, Manimajra, Chandigarh, and all the consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

February 17, 2016
apurva