

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

**Criminal Misc. No. M-19893 of 2016
Date of Decision:-03.06.2016**

Tanuj Sharma

...Petitioner

Versus

Union Territory, Chandigarh and another

...Respondents

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. Ravi Chadda, Advocate
for the petitioner.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.144 dated 2.8.2014, under Section 420 IPC, registered at Police Station Sector 3, U.T. Chandigarh along with all consequential proceedings arising therefrom on the basis of compromise dated 21.12.2015 (Annexure P-3).

Learned counsel for the petitioner states that earlier the petitioner had filed CRM-M No.5521 of 2016 titled 'Tanuj Sharma vs. State of Punjab and another' seeking quashing of FIR in question on the basis of compromise. In the said petition by mistake State of Punjab was arrayed as

one of the respondents whereas U.T. Chandigarh was the necessary party. It is in these circumstances, the said petition was dismissed as withdrawn with the liberty to file fresh one but with better particulars vide order dated 6.4.2016. The present petition has been filed in consonance with that order.

Notice of motion.

On asking of the Court, Ms. Ashima Mor, APP, U.T. Chandigarh, accepts notice on behalf of U.T. Chandigarh.

At this stage, Mr. Vikas Lochab, Advocate has also put in appearance on behalf of respondent No.2 and filed power of attorney on her behalf, which is placed on record.

Learned counsel for the petitioner is directed to hand over requisite number of copies of paper book to learned counsel for the respondents during the course of the day.

Pursuant to the orders dated 16.2.2016 passed in CRM-M-5521 of 2016, the parties appeared before the learned Judicial Magistrate 1st Class, Chandigarh on 23.2.2016 for getting their statements recorded. The copy of the statements made by the complainant as well as the accused is annexed as Annexure P-5 with the petition.

The statement made by complainant Ms. Swati Mahajan before the JMJC, Chandigarh, on 23.2.2016 reads as under :-

“I have compromised the matter with the accused Tanuj Sharma only in case FIR No.144 dated 2.8.2014 under Section 420 IPC registered in P.S. Sector 03, Chandigarh, voluntarily without any coercion, pressure and undue influence. I have no objection if the FIR

mentioned above be quashed qua the accused Tanuj Sharma only.”

Learned counsel appearing for respondent No.2 does not dispute the fact of compromise effected between the parties.

Learned State counsel also does not dispute the aforesaid factual position, rather admits the factum of compromise effected between the parties.

Heard.

Since the parties have entered into a compromise and learned Magistrate has recorded their statements followed by his report, continuation of the trial arising out from the impugned FIR and consequential proceedings would be sheer abuse of the process of law since chances of conviction are bleak.

Keeping in view the factum of compromise effected between the parties and the law laid down by this Court in the case of **Kulwinder Singh and others vs. State of Punjab and another 2007(3) RCR (Crl.) 1052 (P & H)** and as approved by Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is allowed and FIR No.144 dated 2.8.2014, under Section 420 IPC, registered at Police Station Sector 3, U.T. Chandigarh and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

June 03, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE