

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

CRM-M-31296 of 2015.
Decided on:-06.12.2016.

Sumit Sawhney and another

.....Petitioners.

Versus

U.T. Chandigarh and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Ritesh Dutta, Advocate for
Mr. Pankaj Bali, Advocate for the petitioners.

Mr. Rajiv Sharma, Advocate
for the respondent-U.T., Chandigarh.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.109 dated 3.6.2010 under Sections 307, 420, 466, 468, 471 and 120-B IPC registered at Police Station Industrial Area, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom including charge-sheet dated 21.8.2014 (Annexure P-2) on the basis of compromise dated 26.05.2015 (Annexure P-3).

Learned counsel for the petitioners contends that initially Section 307 IPC was included in the FIR, but during investigation, the said offence had been found to be not established and accordingly, Section 307 IPC has been deleted.

This Court vide order dated August 29, 2016 had directed the parties to appear before the trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its

report qua genuineness of the compromise.

Pursuant to the aforesaid order, the parties have appeared before learned Judicial Magistrate 1st Class, Chandigarh and got their statements recorded. On the basis of the statements so recorded by the parties, learned Magistrate has submitted his report dated 15.09.2016 to the effect that the parties got recorded their statements without any pressure or coercion in any manner and a voluntary compromise has been arrived at between the parties.

The factum of compromise between the parties has not been disputed by learned State counsel.

I have heard learned counsel for the parties.

Perusal of the report submitted by learned Magistrate reveals that statement of respondent No.2-complainant Narinder Jain has been recorded by learned Magistrate on 9.9.2016. Said statement of respondent No.2-complainant, who is author of the FIR in question, made before learned Magistrate is being reproduced as under:

“An FIR No.109 dated 03.06.2010 under Section 307, 420, 466, 468, 471, 120B of IPC PS Industrial Area was registered on my instance and on my complaint against accused Ajay Pal Singh s/o Sh. Prem Pal Singh RO VPO LOPPO Tehsil Badhni Kala Distt, Moga Punjab (Now PO), Sumit Sawhney s/o late Sh. Sudhir Sawhney r/o H. No.796 Sec-56, Chandigarh and Sh. Vipin Kumar Tandon s/o late Sh. Dawarka Dass r/o H. No.1305 Progressive Society Sec-50 U.T. Chandigarh. The matter has been compromised with above stated accused persons vide compromise dated 02.09.2015 which bears my signature and this compromise is out of my free will consent

and without any coercion or pressure of any kind. The compromise is to my full satisfaction and is Ex. C-1/A original of agreement is placed in the Hon'ble High Court by the above said person. I do not have any objection if the said FIR be quashed and I do not want to pursue the above said FIR any more.”

In view of the above, no useful purpose would be served to continue with the proceedings qua the petitioners 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 FIR No.109 dated 3.6.2010 under Sections 420, 466, 468, 471 and 120-B IPC (Section 307 IPC deleted later on) registered at Police Station Industrial Area, Chandigarh (Annexure P-1) and all consequential proceedings arising therefrom including charge-sheet dated 21.8.2014 (Annexure P-2) are quashed qua the petitioners, namely, Sumit Sawhney and Vipin Kumar Tandon only on the basis of compromise deed dated 26.05.2015 (Annexure P-3) effected between the parties.

December 06, 2016

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No