

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32169-2015

Date of Decision: January 13, 2016

Smt. Neelam

...Petitioner

Versus

State (UT Chandigarh) and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Vikram Bali, Advocate,
for the petitioner.

Mr. Amandeep S. Gill, Addl. PP, UT 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)

The present petition under Section 482, Cr.P.C., has been filed by Smt. Neelam, wife of Vinod Sahni, resident of House No. 525, Sector 2, Panchkula, for quashing of FIR No. 33, dated 28.1.2014 (Annexure P-1), for the offence punishable under Section 454, IPC, registered at Police Station, Industrial Area, Chandigarh, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Vide order dated 22.9.2015, the affected parties were

directed to appear before the learned Trial Court for getting their respective statements recorded with regard to the compromise. The said Court was also directed to send a detailed report regarding its satisfaction that the matter had been resolved amicably without any threat, coercion or pressure, to this Court.

In compliance thereof, the affected parties did appear before learned Judicial Magistrate First Class, Chandigarh, and got recorded their respective statements with regard to the compromise.

Respondent No. 2/informant/aggrieved person, K.C. Sharma, suffered the following statement:-

“ I have compromised the matter with Smt. Neelam, wife of Sh. Vinod Sahni, r/o H. No. 525, Sector 2, Panchkula, Haryana. I do not want to pursue the FIR No. 33, dated 28.1.2014 under Section 454 IPC registered at PS Industrial Area, Chandigarh. I have no objection if the FIR is quashed. The compromise is without any undue influence, coercion or pressure from any quarter.”

The petitioner, Neelam, also suffered the statement admitting the factum of the compromise.

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

“There is no dispute pending amongst the

parties. The compromise is without any undue influence, coercion or pressure from any quarter. It is submitted that both the parties have made statements without any duress or pressure from anyone.”

Learned counsel for the petitioner submits that on account of a landlord tenant dispute the present criminal litigation has arisen between the private parties. Due to intervention of respectable and elderly people of the society, the dispute has been resolved. At present, there remains no ill-will amongst the private parties. He further submits that the offence alleged to have been committed by the petitioner is personal in nature and that in view of the compromise so effected between the private parties, pendency of the impugned FIR and consequential proceedings emanating therefrom would be sheer abuse of the process of law. In support of his contention, learned counsel has placed reliance on the judgments of Hon'ble the Supreme Court delivered in the cases of **Madan Mohan Abbot v. State of Punjab**, (2008) 4 SCC 582 and **Gian Singh v. State of Punjab and another**, 2012 (4) R.C.R. (Criminal) 543 (SC), and judgment of a 5-Judge Bench of this Court in the matter of **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052.

Learned counsel for the State on instructions from ASI Satnam Singh of Police Station, Industrial Area, Chandigarh, and

after going through the statements and the report received from learned Judicial Magistrate First Class, Chandigarh, very fairly admits that the private parties have resolved their dispute and effected a compromise. He further fairly admits that the allegations levelled in the FIR would disclose that the offence alleged to have been committed by the petitioner is personal in nature. He further submits that he has no objection if the impugned FIR and all the consequential proceedings are quashed on the basis of the compromise.

After hearing learned counsel for the parties and going through the material available on record, this Court also finds that the present criminal litigation has arisen as a result of landlord tenant dispute. Both the private parties have resolved their dispute and effected a compromise and, as such, pendency of the present criminal litigation would be abuse of process of law since the chances of conviction of the petitioner are bleak in view of the compromise so effected between the private parties.

In the matter of **Madan Mohan Abbot (supra)**, Hon'ble the Supreme Court has held as under:-

"We need to emphasise that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the court should ordinarily accept the terms of the compromise even in criminal proceedings as

keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilized in deciding more effective and meaningful litigation. This is a common sense approach to the matter based on ground of realities and bereft of the technicalities of the law."

The report alongwith statements of the affected parties received from learned Court below would reveal that respondent No. 2/informant/aggrieved person has genuinely effected a compromise with the petitioner and he has no objection if the impugned FIR and consequential proceedings are quashed.

Keeping in view totality of the facts and circumstances of the case and taking into consideration the ratio of the judgments in the cases of **Madan Mohan Abbot (supra)**, **Gian Singh (supra)** and **Kulwinder Singh (supra)**, this petition is accepted FIR No. 33, dated 28.1.2014 (Annexure P-1), for the offence punishable under Section 454, IPC, registered at Police Station, Industrial Area, Chandigarh, and all the consequential proceedings arising therefrom are hereby quashed.

January 13, 2016
P Kapoor

(NARESH KUMAR SANGHI)
JUDGE