

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39207-2015

Date of Decision: February 18, 2016

Rajeev Bhardwaj

...Petitioner

Versus

State of U.T. Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Mukesh Kumar Bhatnagar, Advocate,
for the petitioner.

Mr. Ashima Mor, APP,
U.T., Chandigarh, for respondent No. 1.

Mr. S.K. Bawa, Advocate,
for respondent No. 2.

.....

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 Rajeev Bhardwaj, for quashing of FIR No. 514, dated 09.10.2014 (Annexure P-1), for the offences punishable under Sections 379 and 420, IPC, registered at Police Station, Sector 34, Chandigarh, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Vide order dated 19.11.2015, the affected parties were directed to appear before the learned Area Judicial Magistrate/Chief Judicial Magistrate, Chandigarh, for getting their respective statements recorded with regard to the compromise. The said Court was also directed to send a detailed report in that regard along with copies of the statements to this Court.

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

Respondent No. 2/informant/aggrieved person, Sourabh Golcha, suffered the following statement:-

“On my statement FIR NO. 514/2014 U/s 379/420 IPC at P.S. Sector-34, Chandigarh was registered against Rajeev Bhardwaj S/o Late Sh. Shiv Kumar Bhardwaj, resident of House No. 298, Ward No. 2, Morinda Distt. Ropar. Now, FIR compromised with the accused with my own sweet will and without any threat or pressure from any side. I identify my signatures on compromise Deed Ex.P1, in view of the compromise I have received a draft bearing No. 339534 dated 29.10.2015

drawn on Dena Bank, photocopy of the same is Ex.P2. Today I have received remaining amount of Rs. 1,00,000/- in cash in court, now I have no objection if present FIR is quashed on the basis of compromise. My identification proof i.e. my driving license is placed on record.”

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

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

“After going through statements made by said persons, this Court is of the opinion that the parties have settled the matter voluntarily, without any pressure/coercion from any quarter”

Learned counsel for the petitioner urged that on account of payment of the jewellery items, the present criminal litigation had arisen between the private parties. He further submits that due to intervention of the respectable and elderly people of the society, the matter has been resolved and the private parties have effected a compromise (Annexure P-2). At present, there remains no dispute amongst the private parties.

He further submits that the offences alleged to have been committed by the petitioner were 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 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 after taking instructions from Sub Inspector Nar Singh of Police Station, Sector-34, Chandigarh, and going through the statements and the report received from learned Court below, very fairly admits that the private parties have resolved their dispute and effected a compromise. She further fairly admits that the allegations levelled in the FIR would disclose that the offences alleged to have been committed by the petitioner were personal in nature. She further submits that she has no objection if the impugned FIR and all the consequential proceedings are quashed on the basis

of the compromise.

Learned counsel for respondent No.2, also toed the lines of learned counsel for the State and states that respondent No. 2, did appear before learned Court below and suffered the statement admitting the factum of the compromise. He further submits that he has no objection if the impugned FIR and all the consequential proceedings are quashed on the basis of compromise.

After hearing learned counsel for the parties and going through the material available on record, this Court also finds that the allegations levelled by respondent No. 2 were personal in nature. Both the private parties have resolved their dispute and effected a compromise and, as such, there remains no dispute between them.

In the matters of **Gian Singh (supra)** and **Kulwinder Singh (supra)**, it was ruled that in a petition under Section 482, Cr.P.C., filed on the basis of compromise, even the non-compoundable offences can be permitted to be compounded and criminal proceedings may terminate.

There is substance in the submission of learned counsel for the petitioner that 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 emphasize 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 along with 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 and FIR No. 514, dated 09.10.2014 (Annexure P-1), for the offences punishable under Sections 379 and 420, IPC, registered at Police Station, Sector 34, Chandigarh, and all the consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

February 18, 2016
apurva