

CRM-M- 20341 of 2016

-1-

In the High Court of Punjab and Haryana at Chandigarh

Date of Decision:15.2.2017

CRM-M- 20341 of 2016

Arvind Moudgil

---Petitioner

vs.

UT Chandigarh and another

---Respondents

CRM-M- 19653 of 2016

Nidhi Garg

---Petitioner

vs.

UT Chandigarh and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Meharpreet Kalra, Advocate for
Ms. G.K.Mann, Advocate
for the petitioner in CRM-M- 20341 of 2016
for respondent No. 2 in CRM-M-19653 of 2016

Mr. A.S.Sullar, Standing counsel for UT Chandigarh

Mr. Rajesh Gupta, Advocate
for the petitioner in CRM-M- 19653 of 2016
for respondent No. 2 in CRM-M- 20341 of 2016

Rekha Mittal, J.

By way of this order, I shall dispose of CRM-M- 19653 of 2016 captioned “Nidhi Garg vs. UT Chandigarh and another” and CRM-M- of 20341 2016 “Arvind Moudgil vs. UT Chandigarh and another” whereby the petitioners have sought quashing of criminal proceedings initiated against each other.

Nidhi Garg lodged FIR No. 201 dated 11.5.2016 at Police Station, Sector- 17, Chandigarh for offence punishable under Sections 354A (I)(IV), 354D, 509 of the Indian Penal Code (in short, 'IPC') levelling allegations against Arvind Moudgil, both practicing as Advocates before the Central Administrative Tribunal, Chandigarh. On the other hand, Arvind Moudgil lodged FIR No. 200 dated 11.5.2016 registered under Sections 332, 353 IPC at Police Station, Sector- 17, Chandigarh against Nidhi Garg. The petitioners filed their respective petitions seeking quashing of the criminal proceedings initiated vide the aforesaid FIRs on the premise that dispute between the parties has been settled by way of compromise dated 16.5.2016. with an intention to create a congenial atmosphere at their work place.

Vide order dated 21.10.2016, the parties were directed to

appear before the trial Court/Illaq Magistrate to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the Chief Judicial Magistrate, Chandigarh wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter.

Counsel for the UT Chandigarh and respondent No. 2 have not disputed that the parties i.e. petitioner and respondent No. 2 (complainant) have arrived at a settlement with an intent to give burial to their differences.

Perusal of allegations in the FIR reveals that the present case squarely falls in that category of cases which can be quashed by the High Court, in exercise of its inherent power under Section 482 Cr.P.C. Keeping in view the authoritative enunciation of law laid down by Hon'ble the Supreme Court in '***Gian Singh v. State of Punjab and another***', 2012(4) ***R.C.R. (Criminal) 543*** and in the light of facts and circumstances of the present case, this Court is of the considered opinion that continuation of criminal proceedings would amount to abuse of process of law and it is expedient in the interest of justice that criminal proceedings are put to an end.

For the foregoing reasons, the petitions are allowed and FIR Nos. 201 dated 11.5.2016 for offence punishable under Sections 354A(I) (IV), 354D, 509 IPC registered in Police Station, Sector-17, UT Chandigarh and 200 dated 11.5.2016 registered under Sections 332, 353 IPC in Police Station, Sector-17, UT Chandigarh and proceedings emanating therefrom stand quashed.

(Rekha Mittal)
Judge

15.2.2017
paramjit

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No