

250/A.

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

CRM-M-44550-2016

Date of decision:18.07.2017

ANU SHARMA

... Petitioner

versus

UNION TERRITORY CHANDIGARH AND ANR Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Manjeet Singh, Advocate,
for the petitioner.

Ms. Ashima Mor, APP, UT, Chandigarh,
for respondent No.1.

Mr.Ajaivir Singh, Advocate,
for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.54 dated 26.03.2009 under Section 420 IPC and Section 24 of Immigration Act, registered at Police Station Sector 31, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 23.07.2014 (Annexure P-4).

This Court vide order dated 13.12.2016 had directed the parties to appear before the trial Court/Duty Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Chandigarh and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 03.02.2017 to the effect that the compromise effected between the parties is genuine and out of free will, without any pressure, coercion or undue pressure from any corner.

Respondent No.2-complainant, namely, Jasvir Singh has made his statement with regard to compromise before learned Magistrate on 12.01.2017. The same is reproduced as under:-

“Stated that I being a complainant in this case. The present FIR was registered at my instance against the accused Anu Sharma. Now the matter has been compromised between us and the accused Anu Sharma W/o Krishan Mohan, R/o H.No.2292, Sector 19C, Chandigarh compromised the matter forever. I executed my affidavit dated 12-01-2017 to this fact. Same is Ex.C1. I do not want to pursue the present case either in this Hon'ble Court or in the Hon'ble High Court in the CRM No.M 44550 of 2016. I recorded my statement without any pressure or coercion from any side. I have no objections if the accused Anu Sharma be discharged in the above said criminal case. No other case is pending between the partes in my court of law.”

Learned counsel for U.T., Chandigarh as well learned counsel for respondent No.2 have not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings 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 F.I.R. No.54 dated 26.03.2009 under Section 420 IPC and Section 24 of Immigration Act, registered at Police Station Sector 31, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 23.07.2014 (Annexure P-4).

(HARI PAL VERMA)
JUDGE

18.07.2017
sanjeev

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No