

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

122

CRM-15289 of 2017 and
CRM-M-4698 of 2017

Date of Decision: May 11th, 2017

Balbir Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. K.S. Boparai, Advocate
for the applicant-petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CRM-15289 of 2017

Prayer in this application is for amendment of the memo of parties as inadvertently State of Punjab has been impleaded as a party, whereas it should have been Union Territory of Chandigarh.

For the reasons mentioned in the application, the same is allowed.

The name of respondent No.1 i.e. State of Punjab is substituted by Union Territory of Chandigarh.

Amended memo of parties appended along with the application is taken on record.

Registry to place the same at the appropriate stage of the case.

CRM-M-4698 of 2017

Notice of motion.

On the asking of the Court, Mr. A.S. Sular, Advocate, accepts notice on behalf of newly substituted respondent No.1-Union Territory of Chandigarh.

Ms. Neeraj Chandel, Advocate, has put in appearance on behalf

of respondent No.2 and filed power of attorney. Same is taken on record.

Present petition has been filed for quashing of FIR No.0327 dated 05.09.2016 under Section 420/471 IPC registered at Police Station South Sector-34, Chandigarh (Annexure P-1) at the behest of respondent No.2-Balbir Singh son of Dharam Singh and consequent proceedings arising therefrom on the basis of a compromise dated 30.01.2017 (Annexure P-2) entered into between the parties.

On 14.02.2017, the following order was passed:-

“This petition has been filed seeking quashing of FIR No. 0327 dated 05.09.2016, registered for the alleged commission of offences punishable under Sections 420/471 IPC, at Police Station South Sector-34, Chandigarh, as also all other subsequent proceedings arising therefrom, on the basis of a compromise arrived at between the petitioner and respondent no 2. A copy of the compromise deed has been annexed as Annexure P-2 with the petition.

Notice of motion.

On the asking of the Court, Mr. K.S. Pannu, D.A.G., Punjab, accepts notice on behalf respondent no. 1.

Adjourned to 17.04.2017.

In the meanwhile, the petitioner as also respondent no.2, would appear before the learned Area Magistrate, Chandigarh, on 17.03.2017, to record their statements. That court would satisfy itself with regard to the authenticity of the compromise and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its report to this Court, before the next date of hearing.

The learned Area Magistrate would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this Court comes to the conclusion that the FIR sought to be quashed can be so quashed”.

In pursuance to the order passed by this Court, statements of the parties have been recorded by the Judicial Magistrate Ist Class, Chandigarh, and a report dated 29.03.2017 has been submitted. In the said report, it has been observed that on going through the statements made by the parties, the Court is of the opinion that the parties have settled the matter voluntarily without any pressure/coercion from any quarter.

It is also not disputed that the petitioner and respondent No.2 are close relatives, complainant-respondent No.2 being the real brother-in-law (*jija*) of the petitioner. It appears as if there was some misunderstanding which has been sorted out. An affidavit dated 06.05.2017 has also been filed on behalf of respondent No.2-Balbir Singh son of Dharam Singh in Court today, where also he has acknowledged the fact that a compromise has been entered into between the parties on 30.01.2017 and he has no objection if the FIR in question and all consequential proceedings arising therefrom are quashed.

In view of the above, the present petition is allowed.

Consequently, FIR No.0327 dated 05.09.2016 under Section 420/471 IPC registered at Police Station South Sector-34, Chandigarh, and all consequential proceedings arising therefrom are hereby quashed.

May 11th, 2017
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No