

237.

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

CRM-M-4757-2017

Date of decision:01.11.2017

SOURAB GARG @ SOURAV GARG

... Petitioner

versus

UT OF CHANDIGARH

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Kiran Kumar, Advocate,
along with Mr. Sourab Garg @ Sourav Garg, petitioner.

Mr. A.S. Sullar, APP, UT, Chandigarh.

Mr. Nikhil, respondent No.2 in person.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.74 dated 08.02.2016 under Sections 279, 337, 323 IPC, registered at Police Station Sector 17, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 15.12.2016 (Annexure P-3).

This Court vide order dated 15.02.2017 had directed the parties to appear before the trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise. However, the parties could not appear before the trial Court and accordingly, vide order dated 23.08.2017,

parties were again directed to appear before the trial Court to get their

statements recorded in terms of order dated 15.02.2017 passed by this Court.

Pursuant to the aforesaid order, parties have appeared before learned Chief Judicial Magistrate, Chandigarh and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 07.09.2017 to the effect that the compromise effected between the parties appears to be without any fear or undue influence.

Respondent No.2-complainant, namely, Nikhil, is present in court and he has been identified by the petitioner. The complainant has made his statement with regard to compromise before learned Magistrate on 30.08.2017. The same is reproduced as under:-

“I have entered into compromise with the accused-petitioner Sourab Garg @ Sourav Garg in case FIR No.74 dated 08.02.2016 u/s 279, 337 & 323 IPC, PS Sector 17, Chandigarh in order to settle the dispute amicably vide compromise dated 15.12.2016. Copy of compromise dated 15.12.2016 is Mark-X. The original compromise dated 15.12.2016 has already been produced before the Hon'ble High Court. I have signed the compromise voluntarily. In view of the compromise, present FIR may be quashed. Compromise has been effected with my own free will and consent and without any coercion or undue pressure.”

Learned counsel appearing on behalf of U.T., Chandigarh has 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.74 dated 08.02.2016 under Sections 279, 337, 323 IPC, registered at Police Station Sector 17, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 15.12.2016 (Annexure P-3).

(HARI PAL VERMA)
JUDGE

01.11.2017
sanjeev

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