

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-11547 of 2018

Date of Decision: 20.08.2018

Sourav Dhiman & others

...Petitioner(s)

Versus

State of UT, Chandigarh & another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Gaurav Gogna, Advocate
for the petitioners.

Mr.Rajiv Vij, Addl.P.P., UT, Chandigarh.

None for respondent no.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.17 dated 15.01.2018 under Sections 356 and 379 IPC registered at Police Station Central, Sector 17, Chandigarh (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise and affidavit dated 14.03.2018 (Annexure P-2 and P-3 respectively).

This Court, vide order 16.05.2018, had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded with regard to compromise so arrived and the Illaqa Magistrate/trial Court was directed to submit its report regarding the

genuineness of the compromise so effected on the basis of statements of the parties.

Pursuant to the aforesaid order, the parties have appeared before Chief Judicial Magistrate, Chandigarh and got their statements recorded. On the basis of statements so recorded, learned Magistrate has forwarded his report dated 23.05.2018 to the effect that the compromise, as effected between the parties is genuine and the same has been entered into between the parties without any fear or undue influence.

Though no one has put in appearance on behalf of respondent no.2-complainant Ritu, but no prejudice would be caused to her in case the present petition is allowed, as she has already made a statement before the learned Magistrate on 19.05.2018 regarding the compromise between the parties. The statement of Ritu, complainant-respondent no.2, so recorded before the learned Magistrate reads as under:-

“I have entered into compromise with accused namely Sourav Dhiman, Akshay Sharma and Paras Gambhir present in the Court today in case FIR No.17 dated 15.01.2018 u/s 356 & 379 IPC, PS Sector 17, Chandigarh in order to settle the dispute amicably vide compromise deed dated 14.03.2018 which has been produced before Hon’ble High Court and copy of the same is Ex.CA. 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. Copy of my Voter card and Pan card are Ex.P1 and Ex.P2.”

Learned APP, UT, Chandigarh also does not dispute the factum of compromise so effected between the parties.

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1252 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)12 SCC 303, this petition is allowed and FIR No.17 dated 15.01.2018 under Sections 356 and 379 IPC registered at Police Station Central, Sector 17, Chandigarh (Annexure P-1) and all consequential proceedings arising therefrom are quashed *qua* the petitioners on the basis of compromise and affidavit dated 14.03.2018 (Annexure P-2 and P-3 respectively).

August 20, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No