

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

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CRM-M No.12335 of 2017

Date of Decision: April 25th, 2018

Hem Raj

...Petitioner

Versus

U.T. Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Ms. Kaavya Jariyal, Advocate
for the petitioner.

Mr. Parveen Chauhan, Advocate
for Mr. Gagandeep Vasu, Additional Public Prosecutor
for U.T. Chandigarh.

Ms. Bhavna Grewal, Advocate
for Ms. Ramandeep Kaur, Advocate
for respondents No.2 and 3.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for quashing of FIR No.38 dated 28.02.2014 registered under Sections 279, 337 IPC at Police Station Sector-3, Chandigarh and all consequential proceedings arising therefrom on the basis of a compromise dated 15.03.2017 (Annexure P-2).

On 17.04.2017, following order was passed:-

“Notice of motion.

Ms. Ramandeep Kaur, Advocate has put in appearance on his own on behalf of respondents No.2 & 3 and filed her Power of Attorney today in the Court. Same is taken on record.

In the light of contentions that the parties have since then effected compromise, they are directed to put in appearance before the Illaqa Magistrate/concerned Court, Police Station Sector 3, Chandigarh within 15 days from today to record their statements and the Illaqa Magistrate/concerned Court shall make report as to its satisfaction and submit it back before the next date of hearing. The Magistrate shall also intimate if any of the parties to this petition has been declared as

Proclaimed Offender.

List on 19th September, 2017.”

In compliance with the said order, parties appeared before the Judicial Magistrate Ist Class, Chandigarh, and got recorded their respective statements on 20.04.2017.

On the basis of the statements of the parties, report has been duly submitted by the Judicial Magistrate Ist Class, Chandigarh, concluding therein that the parties have settled the matter voluntarily, without pressure or coercion from any quarter.

Counsel for the parties, in the light of the report of the Judicial Magistrate Ist Class, Chandigarh, referred to above, pray for the present petition to be allowed.

Counsel for the complainant again reiterates that the matter has been amicably settled and a compromise dated 15.03.2017 has been entered into between the parties.

In view of the above and keeping in view the principles laid down by judgment of Supreme Court in ***Madan Mohan Abbot Versus State of Punjab 2008 (2) RCR (Criminal) 429*** and in ***Criminal Appeal No.1723 of 2017*** titled as ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another***, decided on 04.10.2017, the present petition is allowed and FIR No.38 dated 28.02.2014 registered under Sections 279, 337 IPC at Police Station Sector-3, Chandigarh and all other consequential proceedings arising therefrom, are hereby quashed qua the petitioner.

April 25th, 2018

Puneet

(AUGUSTINE GEORGE MASIH)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No