

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

258

CRM-M No.2548 of 2018

Date of Decision: May 16th, 2018

Dinesh Dureja

.....Petitioner

Versus

U.T. Chandigarh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Vineet Sehgal, Advocate
for the petitioner.

None for respondent No.1.

Mr. J.P. Rana, Advocate
for respondents No.2 and 3.

AUGUSTINE GEORGE MASI, J. (ORAL)

On 23.01.2018, this Court passed the following order:-

“Earlier petition i.e. CRM-M No.29446 of 2016 was got dismissed as not pressed with a liberty to file fresh petition.

Prayer made in this petition is for quashing of FIR No.274 dated 23.08.2011 under Sections 419, 420, 467, 468, 471, 120-B IPC registered at Police Station Sector-17, Chandigarh on the basis of compromise.

Notice of motion for 26.03.2018.

Mr. J.P. Rana, Advocate, appears on behalf of respondents No.2 and 3.

In the meanwhile, parties are directed to appear before the trial Court/Illaq Magistrate on 01.02.2018 and the trial Court/Illaq Magistrate, after recording their statements, shall submit its report with regard to genuineness of the compromise viz-a-viz. number of accused persons involved in this case and whether any of the accused has been declared proclaimed offender or not, on or before the adjourned date.”

In compliance with the order passed by this Court, parties

appeared before the Judicial Magistrate Ist Class, Chandigarh, on 07.02.2018 and got recorded their statements.

On the basis of the said statements, learned Judicial Magistrate Ist Class, Chandigarh, has submitted report dated 12.02.2018, according to which the compromise which has been entered into between the parties is without any threat, coercion or undue influence. The compromise is genuine, voluntary and, therefore, the counsel for the petitioner prays that the present petition may be allowed.

Counsel for the complainant states that the complainant has no objection to the prayer made in the present petition and he stands by the compromise which has been entered into between the parties, copy whereof is Annexure P-2.

In view of the above factual assertions and the statements of the counsel for the parties, this Court is satisfied that the compromise which has been entered into between the parties is genuine, which has also been acknowledged by the Judicial Magistrate Ist Class, Chandigarh, in report dated 12.02.2018. The matter having been amicably resolved, it would be in the interest of justice that the dispute is brought to an end so that there is no further grudge 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.274 dated 23.08.2011

registered under Sections 419, 420, 467, 468, 471, 120-B IPC at Police Station Sector-17, Chandigarh, and all other consequential proceedings arising therefrom, are hereby quashed qua the petitioner only.

May 16th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No