

267.

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

CRM-M-25446-2017

Date of decision:16.11.2018

YOGESH PARTAP

... Petitioner

versus

UNION TERRITORY, CHANDIGARH THROUGH HOME SECRETARY
UT SECRETARY SEC 9 CHD & ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

Mr. Gautam Dutt, APP, UT, Chandigarh,
for respondents No.1 to 3.

None for respondent No.4.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.4 dated 04.01.2017 registered under Section 420 of IPC and Sections 66C, 66D of I.T. Act, at Police Station Sector 17, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 15.05.2017 (Annexure P-3).

This Court vide order dated 24.07.2018 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Chief Judicial Magistrate, Chandigarh and got their statements

submitted report dated 10.09.2018 to the effect that the compromise has been effected between the parties without any fear or undue influence.

Though today none has put in appearance on behalf of respondent No.4-complainant, namely, Gagandeep Kaur, but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 27.08.2018. The same is reproduced as under:-

“I have entered into compromise with the accused-petitioner Yogesh Partap Singh in case FIR No.04 dated 04.01.2017 u/s 420 IPC, Police Station-17, Chandigarh in order to settle the dispute amicably vide compromise dated 15.05.2017. Compromise dated 15.05.2017 is Ex.PX. 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 UT, 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.4 dated 04.01.2017

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 15.05.2017 (Annexure P-3).

(HARI PAL VERMA)
JUDGE

16.11.2018
sanjeev

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