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

CRM-M No. 37129 of 2016 (O&M)
Date of Decision: 18.12.2018

Amba ParshadPetitioner

Versus

State of U.T, Chandigarh and anotherRespondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr.Aman Sharma, Advocate for the petitioner.
Mr. Deepender Brar, APP, UT, Chandigarh.
Mr. Rajesh Pal, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition under Section 482 Cr.P.C. has been filed praying for quashing of FIR No.433 dated 29.10.2014 (Annexure P-1), under Section 420 of the Indian Penal Code, registered at Police Station 11, District Chandigarh, along with all consequential proceedings arising therefrom on the basis of compromise entered into between the parties i.e. petitioner as well as respondent No.2.

This Court, on 22.10.2018, passed the following order:-

“Learned counsel for the petitioner submits that he has got resolution of the Society and has shown the same to learned counsel for respondent No. 2. Copy of the same be placed on record.

Learned counsel for respondent No. 2 is satisfied on perusing the resolution and submits that settlement between parties now require to be honoured.

The parties may appear before Illaqa Magistrate/Duty Magistrate on 17.11.2018 or on any other date convenient to the

Court and get their statements recorded with regard to the compromise. The original compromise shall be produced before learned Illaqa Magistrate. In the event of their statements being recorded, learned Illaqa Magistrate will send copies of the same to this Court with its report:

(i) regarding genuineness and voluntary nature of the compromise;

(ii) whether the accused/petitioner is appearing before the Court or is on bail; and

(iii) whether any other proceeding is pending against the accused/petitioner.

Report of Illaqa Magistrate be awaited for 18.12.2018. ”

In terms of above order, statements of the parties were recorded by learned Judicial Magistrate Ist Class, Chandigarh and submitted a report dated 11.12.2018. The operative part of the same reads as under:-

“ It is submitted that after going through the statement made by the complainant and accused person, this Court is satisfied that the statements regarding the compromise are made by them out of their own free-will and without any threat or coercion from any side. The compromise also appears to be voluntarily in nature.”

A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence.

Learned Counsel for U.T Chandigarh, on instructions from SI Labh Singh, has acknowledged the above fact and further stated that he has no objection in case the present FIR as well as all other consequential

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proceedings are quashed on the basis of the compromise effected between the parties. Even before this Court also, there is no objection by either of the parties in case the present FIR is quashed.

In view of above, this Court is fully convinced that the offence is entirely personal in nature and does not involve any public funds / money and thus quashing of FIR in question along with all consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice.

Consequently, the present petition is allowed and the aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioner.

Needless to say that the parties would be bound by the terms and conditions of the compromise.

December 18, 2018
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes /o
Yes/No