

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

**CRM-M-40729-2017
Decided on: 28.02.2018**

Manohar Lal

.... Petitioner

Versus

U.T. of Chandigarh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present:- Mr. Ramesh Pal Darria, Advocate
for the petitioner.

Mr. Amit Kumar Goyal, Addl. Public Prosecutor,
U.T. Chandigarh.

Mr. Deepak Kumar Bartia, Advocate,
for respondent No.2.

AUGUSTINE GEORGE MASIH, J (ORAL)

Petitioner has approached this Court for quashing of FIR No.312 dated 28.07.2015 registered under Section 324 IPC at Police Station Sector-11, Chandigarh (Annexure P-1) alongwith all subsequent proceedings arising therefrom on the basis of a compromise dated 12.10.2017 (Annexure P-2) arrived at between the petitioner and respondent No.2-complainant.

On 31.10.2017, when the case taken up for hearing, following order was passed:-

“Prayer made in this petition is for quashing of FIR and all the consequential proceedings arising therefrom on the basis of the compromise between the parties.

Notice of motion for 22.01.2018.

At this stage, Mr. Deepak Kumar Bartia, Advocate, has put in appearance on behalf of respondent No.2 and

filed power of attorney, which is taken on record. He admits the factum of compromise entered between the parties.

The parties are directed to appear before the Illaqa Magistrate/Trial Court for recording their respective statements with regard to compromise/settlement on 13.11.2017.

The Illaqa Magistrate/Trial Court is directed to submit a report alongwith copies of statements of parties on or before the next date of hearing containing the following information as well:-

- (i) Number of persons arrayed as accused in FIR;
- (ii) Whether any accused is proclaimed offender; and
- (iii) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.”

2. In pursuance to the above order passed by this Court, parties had appeared before the Judicial Magistrate 1st Class, Chandigarh on 21.11.2017 and got recorded their statements asserting that they have entered into a mutual agreement/compromise dated 12.10.2017 (Annexure P-2). The said compromise was asserted by them to be voluntary and without any pressure. On the basis of the statements of the parties, learned Judicial Magistrate 1st Class, Chandigarh has submitted his report dated 02.12.2017, according to which, compromise arrived at between the parties is genuine, voluntary and without any coercion or undue influence. It has further been stated that petitioner is not a proclaimed offender.

3. In view of the report of the learned Judicial Magistrate 1st Class, Chandigarh, counsel for the parties submit that the present petition may be allowed. They further informed the Court that the cross version which was recorded vide FIR No. 269 dated 26.06.2015 under Sections 452,

323 and 34 IPC stands already quashed by a Coordinate Bench of this Court in CRM-M-40672-2017 titled as “**Harjinder Singh vs. State of UT and another**” vide order dated 23.02.2018.

4. Keeping in view the fact that the matter has been amicably settled between the parties and that none of the parties have any grudge against each other anymore, it would be in the interest of both the parties to live with peace and harmony if the present FIR is quashed.

5. In the light of the fact that the parties have entered into a compromise without any pressure or coercion and keeping in view the report submitted by learned Judicial Magistrate 1st Class, Chandigarh, as also the principles laid down by the Hon'ble Supreme Court in *Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482* and the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052*, the present petition is allowed. FIR No.312 dated 28.07.2015 registered under Section 324 of IPC at Police Station Sector-11, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed.

(AUGUSTINE GEORGE MASIH)
JUDGE

28.02.2018
Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No