

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-44020-2018

Date of decision: 16.11.2018

Deepak Kumar

..... Petitioner

Versus

State of U.T. Chandigarh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Pawan K. Sharma, Advocate for the petitioner.

Mr. Gautam Dutt, APP for U.T. Chandigarh.

Ms. Amandeep Kaur, Advocate for

Mr. Ashwani Arora, Advocate for respondent No. 2.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C., prayer has been made for quashing FIR No. 43 dated 07.03.2016 (Annexure P-1) registered under Sections 279 and 337 IPC at Police Station Sector-36, Chandigarh and all subsequent proceedings arising therefrom on the basis of compromise dated 11.09.2018 (Annexure P-2), effected between the parties.

Vide order dated 05.10.2018, the parties were directed to appear before the trial Court/Illaq Magistrate, to get their statements recorded for compromise with a direction to the trial Court, to furnish a report qua veracity of the compromise.

Consequently, parties appeared before the Judicial Magistrate Ist Class, Chandigarh and got recorded their statements qua compromise on 20.10.2018. Report from the Judicial Magistrate Ist Class, Chandigarh, vide letter No. 433 dated 26.10.2018 duly forwarded by the District and Sessions

has been received. According to the report of the Judicial Magistrate Ist Class, Chandigarh, the compromise effected between the parties is out of their free-will and without any threat or coercion from any side.

Learned counsel for respondent No. 2 by placing on record photocopy of disability certificate of respondent No. 2-Vijay Kumar, duly attested by her submits that compromise has entered into by his wife on the ground that he is 100% permanent disabled and is unable to understand his well being and welfare.

In view of the totality of the facts and circumstances and considering the fact that the compromise will bring harmony and peace in relations between the parties, this petition is allowed and the aforesaid, FIR No. 43 dated 07.03.2016 (Annexure P-1) and all subsequent proceedings arising therefrom, qua the petitioner are quashed, subject to payment of costs of ₹10,000/-, out of which ₹3,000/- shall be deposited with the Bar Association, Punjab and Haryana High Court, Chandigarh and ₹7,000/- with the High Court Legal Services Authority, within a period of two weeks' from today, failing which this petition shall be deemed to be dismissed.

List on 15.12.2018, for production of receipts regarding deposit of costs.

November 17, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No