

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

249

CRM-M-48846-2017

Date of decision: 09.03.2018

Asha Rani and another

...PETITIONERS

VERSUS

State of UT, Chandigarh and another

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. K.C.Chaudhary, Advocate,
for the petitioners.

None for respondent No. 1.

Mr. Som Nath Aneja, Advocate,
for respondent No. 2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for quashing of FIR No. 30 dated 29.01.2012 (Annexure P-1) under Sections 452, 323, 506, 34 IPC registered at Police Station Sector 31, Chandigarh and all consequential proceedings arising therefrom in the light of the compromise dated 18.08.2017 (Annexure P-2).

On 21.12.2017, when this case came up for hearing, the following order was passed:-

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

Notice of motion for 09.03.2018.

At this stage, Mr. Som Nath Aneja, Advocate has put in

appearance on behalf of respondent No.2 and accepts the factum of compromise effected between the parties. Power of attorney filed on behalf of respondent No.2 is taken on record.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their respective statements with regard to compromise/settlement on 29.01.2018.

The Illaqa Magistrate/trial Court is directed to submit a report along with copies of statements of the 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.”

In compliance with and in accordance with the order passed by this Court, the parties appeared before the JMIC, Chandigarh on 27.02.2018 and got recorded their respective statements. In the light of the statements given by the parties, the learned JMIC, Chandigarh had proceeded to come to a conclusion that the compromise, which has been entered into between the parties, is genuine, voluntarily and without any coercion or undue influence and none of the accused is a proclaimed offender.

Counsel for the petitioners as also the complainant-respondent No. 2 state that the matter has been amicably settled and, therefore, the present petition may be allowed and the FIR and all consequential proceedings arising therefrom may be quashed. Counsel for respondent No. 2 further reiterates that the complainant-respondent No. 2 has, after the compromise, decided not to pursue the FIR, which was registered at her

behest.

In the light of the fact that the parties have entered into a compromise and the complainant does not want to further pursue the case, it would be in the interest of the parties and the society as a whole that the FIR and all consequential proceedings arising therefrom be quashed. Further the ratio of the judgment of the Supreme Court in **Narinder Singh vs. State of Punjab**, 2014 (2) RCR (Criminal) 482 and Full Bench judgment of this Court in **Kulwinder Singh and others vs. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 and Crl. Appeal No. 1723 of 2017 titled as **Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur vs. State of Gujarat and another**, decided on 04.10.2017, also supports the cases where compromise has been entered into between the parties voluntarily for amicable resolution of the dispute.

In view of the above, the present petition is allowed. FIR No. 30 dated 29.01.2012 (Annexure P-1) under Sections 452, 323, 506, 34 IPC registered at Police Station Sector 31, Chandigarh and all consequential proceedings arising therefrom are hereby quashed.

March 09, 2018

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No