

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M-6196 of 2019

Date of Decision: March 11, 2019.

Davit Verma

.....Petitioner

versus

The State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU.

Present: Mr.Madan Sandhu, Advocate, for the petitioner.

Mr.Sandeep Kumar, DAG, Punjab.

Mr.Dharam Bir Bhargav, Advocate, for respondent No.2.

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Mahabir Singh Sindhu, J. (Oral)

The present petition under Section 482 Cr.P.C., has been filed praying for quashing of FIR No.114 dated 19.08.2018 registered under Sections 384 and 506 IPC at Police Station City Kharar, District SAS Nagar Mohali, alongwith all consequential proceedings arising therefrom on the basis of compromise arrived at between the petitioner and respondent No.2.

Brief facts of the case are that respondent No.2 has made allegations against the petitioner for extorting money from him for not publishing a news against him in the newspaper. It is alleged that petitioner demanded Rs.10,000/- from respondent No.2 but the matter was settled in Rs.6000/-. On the complaint of respondent No.2 the present FIR has been lodged.

This Court on 11.02.2019 while issuing notice of motion has

passed the following order:-

“Contends that matter has been compromised between the parties.

Notice of motion.

On the asking of the Court, Mr. C.L.Pawar, Sr. DAG, Punjab, accepts notice on behalf of respondent No.1/State. Mr. Dharambir Bhargav, Advocate, who is present in the Court, accepts notice on behalf of respondent No.2 and filed power of attorney on his behalf. Same is taken on record.

Copies of the petition be supplied to learned Counsel for the respondents during the course of the day.

In view of above, let the parties appear before the Court of learned Illaqa Magistrate/trial Court on **22.02.2019** to record their statements with reference to the compromise, if any, entered into between them. Learned Illaqa Magistrate/trial Court will record the statements of all accused, complainant/injured and victim, if any and submit a report along with the statements to this Court before the next date of hearing containing the following information:-

- (i). Whether the statements of the parties are bona fide and are not result of any pressure or coercion etc. in any manner?*
- (ii). Whether the compromise effected between the parties is genuine and valid?*
- (iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s).*
- (iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof.*
- (v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender.*

List before this Court on **11.03.2019** for further consideration.

Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection or not?

Copy of this order be sent to learned Judicial Officer concerned forthwith for information and compliance.”

In view of the above order passed by this Court, statements of

Magistrate, 1st Class, Kharar regarding genuineness of compromise has been received, relevant part whereof reads as under :-

“Hence, in these circumstances, from above statements, it is humbly submitted that:-

1. The statements of the parties are bonafide and are not result of any pressure or coercion etc., in any manner.
2. From statement of above persons, ex-facie, it transpire that the compromise is genuine, voluntarily and out of free will of the parties qua complainant and accused. There are total three accused in the present FIR.
3. The accused and complainant are party to the compromise.
4. No other case is pending against either of the parties.
5. None of the accused has been declared proclaimed offender as per the statement of ASI Jaswant Singh No.271/SAS Nagar, Investigating Officer.”

A perusal of the relevant part of the report reveals that the matter has been compromised between the parties with their free consent. No one is proclaimed offender in this FIR, rather the petitioner is the only accused. Before this Court also, it is specifically pointed out that there is no other criminal case pending against the petitioner. Since the dispute is entirely personal in nature and does not affect any public peace and tranquility and the same has been settled with free consent of the parties and pendency of criminal proceedings arising out of impugned FIR would be an abuse of process of law and not in the interest of justice.

Consequently, the present petition is allowed and FIR No.114 dated 19.08.2018 registered under Sections 384 and 506 IPC at Police Station City Kharar, District SAS Nagar Mohali alongwith all consequential proceedings resulting therefrom are quashed qua the petitioner.

March 11, 2019

mohinder

(MAHABIR SINGH SINDHU)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No