

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

238

CRM-M-16349-2019

Date of Decision:31.05.2019

Himanshu

.....Petitioner

Versus

Union Territory, Chandigarh and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Gurminder Singh Phull, Advocate,
for the petitioner.

Mr. Rajiv Vij, Addl. P.P.,
for the U.T., Chandigarh.

Mr. Prince Goyal, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.287 dated 24.09.2018 under Sections 354, 354-A, 354-D, 509 IPC, registered at Police Station Mauli Jagran, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 17.11.2018 (Annexure P-2).

Learned counsel for the petitioner states that though initially the FIR was registered under Sections 354, 354-A, 354-D, 509 IPC, but later on at the time of presentation of challan, offences under Sections 323, 341 IPC were also added.

This Court vide order dated 09.04.2019 had directed the parties

to appear before the Illaqa Magistrate/trial Court to get their statements

recorded and the learned trial court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate 1st Class, Chandigarh and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 03.05.2019 to the effect that the compromise effected between the parties voluntarily and without any coercion or undue influence.

Respondent No.2-complainant, namely, Sanju, has made statement with regard to compromise before learned Magistrate on 02.05.2019. The same is reproduced as under:-

“I have compromised with the accused namely Himanshu s/o Nand Ram in FIR No.287, dated 24.09.2018, u/s 354, 354-A, 354-D, 509, added 323, 341 IPC, PS Mauli Jagran, Chandigarh, in terms of compromise effected before Hon'ble High Court of Punjab & Haryana, copy of which is produced today as Ex.CX. I have no objection if the above said FIR is quashed in terms of compromise which has been entered voluntarily between me and accused.”

Learned State counsel as well as learned counsel for respondent No.2 have not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303***, this petition is allowed and FIR No.287 dated 24.09.2018

under Sections 354, 354-A, 354-D, 509 IPC (Sections 323, 341 IPC added later on), registered at Police Station Mauli Jagran, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise-deed dated 17.11.2018 (Annexure P-2), subject to payment of costs of ₹5,000/- to be paid by the petitioner, within a period of one month from today with the Poor Patients Welfare Fund, PGIMER, Chandigarh. He shall produce a receipt with the Registry.

May 31, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No