

CRM-M-25452-2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(PROCEEDINGS THROUGH V.C.)

CRM-M-25452-2020

Date of Decision: September 24th, 2020

Darshan Singh Chhabra

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present Mr. Mandeep Singh Khillan, Advocate
for the petitioner.

Mr. B.S. Sewak, Addl. A.G., Punjab.

Ms. Surmeet, Advocate
for respondent No.2 – complainant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 01.09.2020, when the case was taken up for hearing,
following order was passed:-

“Prayer in this petition is for quashing of FIR
No.55, dated 08.02.2020, under Sections 120-B, 406,
420, 467, 468, 471 IPC registered at Police Station
Mahesh Nagar, District Ambala (Annexure P-1) on the
basis of compromise dated 07.08.2020 (Annexure P-2)
entered into between the petitioner and the complainant.

It is the contention of learned counsel for the
petitioner that the matter has been amicably resolved
between the parties and the complainant does not want to
pursue the present FIR against the petitioner's side.

Notice of motion.

On the asking of the Court, Ms.Tanisha Peshawaria, Deputy Advocate General, Haryana, accepts notice on behalf of the State. Ms.Surmeet, Advocate, puts in appearance on behalf of the complainant and acknowledges the factum of compromise dated 07.08.2020 (Annexure P-2) as entered into between the parties and states that the complainant has no objection to the quashing of the FIR, which was registered at the behest of the complainant. Counsel for the petitioner undertakes to hand over a copy of the petition to the counsel opposite during the course of the day.

The parties are directed to appear before the Ilaqa Magistrate/Trial Court at Ambala on 08.09.2020 for recording of their statements with regard to the above referred compromise on the said date or on any other date convenient to the Court.

The Ilaqa Magistrate/Trial Court is directed to record the statements of all the accused, complainant/injured and victim, if any and submit a report alongwith the recorded statements before the next date of hearing containing the following information:-

- (i). Whether the statements of the parties are bonafide 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.

To come up on 24.09.2020.

Copy of this order be sent to Ilqa Magistrate/Trial Court concerned for information and compliance.”

In pursuance to the above order passed by this Court, parties had appeared before the Judicial Magistrate 1st Class, Ambala, on 10.09.2020 and got recorded their respective statements. On the basis of the statements, learned Judicial Magistrate 1st Class, Ambala, has submitted his report, dated 14.09.2020. As per the said report, there is only one accused in this case i.e. Darshan Singh Chhabra and there are two victims, namely Umesh Sahani and Simmi Sahani. There is no other case between the parties except for the present one and none of the accused is a proclaimed offender. As regards the compromise, it has been concluded that the same is *bona fide*, genuine, valid, voluntary and without any coercion or undue influence.

Learned counsel for the petitioner, in the light of the report of the Judicial Magistrate 1st Class, Ambala, states that the matter having been amicably resolved between the parties and the compromise dated 07.08.2020 (Annexure P-2) having been found genuine, the present petition be allowed by quashing the FIR as well as all consequential proceedings arising therefrom.

Counsel for the complainant also acknowledges the factum of compromise and states that the complainant have no objection to the prayer made in the present petition as the complainant do not want to pursue the

FIR against the petitioner in the light of the compromise.

Having considered the submissions made by the learned counsel for the parties and keeping in view the report of the Judicial Magistrate 1st Class, dated 14.09.2020, wherein it has been opined that the compromise dated 07.08.2020 (Annexure P-2) entered into between the parties is *bona fide*, genuine, valid, voluntary and without any coercion or undue influence, the present petition deserved to be allowed in the light of the law laid down by the Hon'ble Supreme Court in ***Criminal Appeal No.1723 of 2017***, titled as '***Parbatbhai Aahir @ Parbhabhai Bhimsinhbhai Karmur & others Vs. State of Gujarat & another***, decided on 04.10.2017 and in the judgment of ***Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482*** as also the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052***.

In view of the above, the present petition is allowed. FIR No.55, dated 08.02.2020, under Sections 120-B, 406, 420, 467, 468, 471 IPC, registered at Police Station Mahesh Nagar, District Ambala (Annexure P-1) along with all subsequent proceedings arising therefrom are hereby quashed qua the present petitioner only.

(AUGUSTINE GEORGE MASIH)
JUDGE

September 24th, 2020
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No