

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-39787 of 2019.

Decided on:- February 04, 2020.

Devinder Singh Chauhan and another

.....Petitioners.

Versus

Union Territory, Chandigarh and another

.....Respondents.

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

Present:- Mr. Anupam Sharma, Advocate
for the petitioners.

Mr. Kuldeep Tiwari, Addl. P.P., UT, Chandigarh.

Mr. K.R. Sharma, Advocate
for respondent No.2-complainant.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.390 dated 18.12.2017 under Sections 354, 354-A and 509 IPC registered at Police Station Sector-31, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 08.09.2019 (Annexure P-2).

This Court vide order dated 18.09.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the parties had appeared before learned Judicial Magistrate 1st Class, Chandigarh and got their statements

recorded on 23.09.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 03.10.2019 to the effect that the matter has been compromised between the parties without any coercion or undue influence from any side and the compromise is genuine and voluntary.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant. She has already made a statement before learned Magistrate in support of compromise on 23.09.2019, the relevant part of which reads as under:

“Stated that I got the above said FIR registered against the accused Devinder Singh Chauhan son of Sh. Dalip Singh Chauhan and Narinder Rana son of Sh. Sansar Chand. Now with the intervention of well wishers, common friends and respectable persons, I have amicably settled the dispute with the accused namely Devinder Singh Chauhan and Narinder Rana. The compromise deed is Ex.C1. Compromise has been effected voluntarily and without any pressure or undue influence from any side. This compromise is voluntary, genuine and without any coercion or undue influence and now I have no grudge against the above named accused, who are only accused in the present case. The FIR in question is against Devinder Singh Chauhan and Narinder Rana. I have no objection, if the present FIR is quashed as per the settlement. I reaffirm the contents of the settlement/compromise deed Ex.C1.”

Learned State counsel and learned counsel for respondent No.2-complainant have not disputed the factum of compromise effected between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners shall be an abuse of the process of law.

Thus, 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*, the present petition is allowed and the FIR No.390 dated 18.12.2017 under Sections 354, 354-A and 509 IPC registered at Police Station Sector-31, Chandigarh (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 08.09.2019 (Annexure P-2), however, subject to payment of total costs of Rs.30,000/- (Rs.15,000/- each) to be paid by the petitioners to the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh within a period of one month from today.

February 04, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No