

262.

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

CRM-M-39608-2019

Date of decision: 29.01.2020

MOHIT CHADHA

... Petitioner

versus

UT CHANDIGARH AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Apanjyot Singh Virk, Advocate,
for the petitioner.

Mr. Manish Jain, APP, UT, Chandigarh,
for respondent No.1.

Mr. R.S. Sekhon, 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 F.I.R. No.83 dated 20.05.2019 registered under Sections 341, 354, 354-D, 323, 382 of IPC at Police Station Sector 11, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 09.09.2019 (Annexure P-2).

This Court vide order dated 17.09.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Chandigarh and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 05.11.2019 to the effect that the compromise has been effected between the parties voluntarily, without any threat, coercion or undue influence from any corner.

Respondent No.2-complainant, namely, Poonam has made her statement with regard to compromise before learned Magistrate on 04.11.2019. The same is reproduced as under:-

“The case FIR bearing No.83 dated 20.05.2019 was registered on my complaint with PS-11, Chd for the offences u/S 341, 354, 354-D, 323, 382 IPC, against one accused namely Mohit Chadha s/o Raj Kumar, r/o # 1085, Sunny Enclave Kharar, SAS Nagar Mohali. Now I have compromised the matter with the above said accused person. The copy of the compromise deed which already placed on record in the quashing petition filed in the Hon'ble High Court and pending for 29.01.2020 and the said compromise has been executed between us without any pressure or coercion from any side and there is no other person involved in this occurrence. It is with our free will and the compromise is genuine and voluntary. I am the only affected party in the present FIR and except for accused Mohit Chadha & there is no other accused involved in the present case. I have no objection if the above said FIR is quashed, against the above said accused person.”

Learned counsel for UT, Chandigarh 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 FIR.

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 F.I.R. No.83 dated 20.05.2019 registered under Sections 341, 354, 354-D, 323, 382 of IPC at Police Station Sector 11, Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 09.09.2019 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

29.01.2020
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No