

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(214)

CRM-M-9891-2021

Date of decision: - 12.11.2021

Pranav and others

....Petitioners

Versus

State of UT Chandigarh and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Gaurav Tyagi, Advocate,
for the petitioners.

Mr. Paramjit Singh Paul, Additional PP,
for U.T., Chandigarh-respondent No.1.

Mr. Hem Raj Sharma-respondent No.2 in person
along with Mrs. Sudesh Kumari,

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.53 dated 26.03.2020, registered under Sections 419, 420 and 120-B IPC, at Police Station Sector 34, Chandigarh as well as all the subsequent proceedings arising out of the same, keeping in view the compromise dated 19.02.2021 (Annexure P-2), which has been entered into between the parties.

While issuing notice of motion on 03.03.2021, a Coordinate

Bench of this Court had passed the following order :-

“The case has been taken up for hearing through video conferencing.

Prayer made in this petition is for quashing of FIR as well as all the subsequent proceedings arising therefrom on the basis of compromise.

Mr. Hem Raj Sharma, respondent No.2 appears in person. He has been identified by learned counsel for the petitioners on the basis of his ID proof.

Notice of motion for 27.05.2021.

In the meanwhile, parties would appear before the Illaqa Magistrate on 15.03.2021 for recording their statements. The concerned Court would file its report in the context of validity and genuineness of the compromise in question. The Court shall make a report in respect of antecedent behaviour of criminal activity of the accused and also with regard to total number of accused involved in the case and his/their status of being proclaimed offender/person.”

A report has come from the Judicial Magistrate 1st Class, Chandigarh, addressed to the Registrar General of this Court dated 03.05.2021 along with the statements of the accused-petitioners as well as the complainant, wherein, it has been recorded that the compromise has been reached between the parties and the same is not only voluntarily but is without influence or coercion and has been entered into between the parties with their free will and all the accused as well as the complainant have signed the said settlement and none of the accused has been declared as proclaimed offender.

Learned counsel for the petitioners submits that the parties have already entered into compromise so as to live peacefully and no

useful purpose will be served in keeping the FIR in question alive.

Respondent No.2 as well as co-complainant Sudesh Kumari, who is wife of respondent No.2, who have joined the proceedings through video conferencing, admits the compromise as well as the statements made before the Judicial Magistrate 1st Class, Chandigarh and do not raise any objection, in case the FIR in question is quashed on the basis of the compromise.

Learned State counsel has also not pointed out any objection in respect of the prayer of the parties for quashing the FIR on the basis of the compromise.

Keeping in view the totality of the circumstances, which have been mentioned hereinbefore and that the parties have already entered into compromise to settle their dispute so as to live peacefully and none of the accused is a proclaimed offender, this Court is inclined to accept the prayer of the petitioners for quashing the FIR on the basis of the compromise.

Thus, FIR No.53 dated 26.03.2020, registered under Sections 419, 420 and 120-B IPC, at Police Station Sector 34, Chandigarh and all other subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise entered into between the parties.

The above order, subject to the cost of Rs.15,000/- to be paid by the petitioners in Prabh Aasra (Unit of) u/o Universal Disabled Care Taker Social Welfare Society, (who are maintaining Orphans) in Bank A/c No.014894600000970, SCO-151-152, Sector 9-C, Chandigarh or A/c No.100035657241 of IndusInd Bank, Sector-54, Phase-II, Mohali Branch,

as the litigation generated by the petitioner has wasted precious time of not only this Court but also of the Court below.

November 12, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No