

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

121

**CRM-M-9480-2020 (O & M)  
Date of Decision:02.03.2021**

**DR. ANIKET SAINI**

**...PETITIONER**

**VERSUS**

**U T CHANDIGARH AND OTHERS**

**...RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present: Mr. Ranjivan Singh, Advocate and  
Ms. Ritu Raag, Advocate for the petitioner.

Mr. Anil Kumar Lamdharia, APP, UT, Chandigarh.

Ms. Sangita Dhanda, Advocate for respondents No.2 to 5.

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**SUVIR SEHGAL, J.(ORAL)**

**CRM-5603-2021**

Prayer in the application is for preponement of the hearing of the main case, which is listed for hearing on 05.04.2021.

Notice of the application.

On asking of the Court, Mr. Anil Kumar Lamdharia, APP, UT, Chandigarh, accepts notice on behalf of respondent No.1-State. Ms. Sangita Dhanda, Advocate accepts notice on behalf of respondents No.2 to 5 respectively.

For the reasons given in the application, same is allowed and hearing of the main case is preponed from 05.04.2021 to today and the petition is taken on board today itself.

**CRM-5606-2021 and Main Case**

This is the second petition filed under Section 482 of Cr.P.C. for quashing of FIR No.304 dated 07.12.2019 registered under Sections 354-A and 354-B IPC (later on Sections 354-A and 354-B were deleted and challan was presented under Sections 354, 332 and 353 IPC), at Police Station Sector-34, Chandigarh, Annexure P-1, on the basis of settlement/compromise arrived at

between the parties by way of Mutual Compromise Deed dated 28.02.2020, Annexure P-12, and Compromise Agreement dated 09.12.2019, Annexure P-2, alongwith all subsequent proceedings arising therefrom.

First petition (CRM-M-2766-2020) was withdrawn after arguments on 22.01.2020.

Counsel for the petitioner has referred to the FIR and submitted that the offence under Section 354 IPC is not made out as its ingredients are not fulfilled. He submits that there was no intention to outrage the modesty of the complainants nor any such allegation has been levelled in the FIR. He submits that the petitioner and private respondents were colleagues in Government Medical College and Hospital, Sector 32, Chandigarh, and now the petitioner has resigned and left the services.

Vide order dated 05.03.2020, the parties were directed to appear before the Illaqa Magistrate/trial Court to get their statements recorded regarding the compromise and a report was called for from the Court, the relevant extract of which is as under:-

*“i) As per report of Investigating Officer Inspector Bhagwat Dayal, No.1249/CHG, in this FIR, there is only one accused namely Aniket Saini.*

*ii) As per report of Investigating Officer Inspector Bhagwat Dayal, No.1249/CHG, in this FIR, neither the accused and nor the complainant or the victims are proclaimed offenders and no such proceedings are pending against any of them.”*

After recording the statements of the accused-petitioner and complainant-respondents No.2 to 5, the Judicial Magistrate Ist Class, Chandigarh, has reported that the compromise in question is genuine, voluntary and without any coercion or undue influence. The Court has further reported that the accused-petitioner has not been declared as Proclaimed Offender and no other criminal case is pending against either of the parties.

Supreme Court in *Gian Singh Versus State of Punjab and another*, 2012(4) RCR (Criminal) 543 has held that the High Court has wide power under Section 482 of the Code of Criminal Procedure to quash an FIR or complaint having predominantly civil flavour or involving matrimonial offences and family disputes wherein the wrong is basically private or personal in nature and the parties have resolved their entire dispute. The Full Bench of this Court in case *Kulwinder Singh vs. State of Punjab and another*, 2007(3) RCR (Criminal) 1052 and Division Bench of this Court in case *Sube Singh and another vs. State of Haryana and another*, 2013(4) RCR (Criminal) 102 held that compounding of offence can be allowed even after conviction, during pendency of the appeal and even in cases involving non-compoundable offences.

Counsel for the parties are also ad idem that in view of the settlement of the dispute between the parties, the present petition deserves to be accepted. In view of the above, no purpose will be served in continuing with the criminal proceedings.

Accordingly, the petition is allowed. FIR No.304 dated 07.12.2019 registered under Sections 354-A and 354-B IPC (later on Sections 354-A and 354-B were deleted and challan was presented under Sections 354, 332 and 353 IPC), at Police Station Sector-34, Chandigarh, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioner.

02.03.2021  
*sheetal*

(SUVIR SEHGAL)  
JUDGE

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|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |