

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

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**CRM-M-28553 of 2021
Date of Decision:26.10.2021**

Harpreet Singh

..... Petitioner

Versus

State of U.T. Chandigarh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Ullas Kapoor, Advocate,
for the petitioner.

Mr. Virenjeet Singh Mahal, Addl. P.P., U.T. Chandigarh.

Mr. Navjot Singh, Advocate,
for respondents no.3 to 7.

AMOL RATTAN SINGH, J. (ORAL)

On 23.07.2021 the following order had been passed in this case by
this court:-

“Case heard via video conferencing.

By this petition, the petitioner seeks quashing of FIR no.256 dated 19.12.2019, registered at Police Station Sector-36, U.T, Chandigarh, for the alleged commission of offences punishable under the provisions of Sections 279 and 337 of the IPC, on the basis of a compromise arrived at between the petitioner and respondents no.3 to 7; (as also all other subsequent proceedings arising therefrom). Copies of the affidavits in respect of the compromise have been annexed as Annexures P-2 to P-5 respectively, with the petition.

Notice of motion.

Mr. Vikramjeet Singh Mahal, learned Additional Public Prosecutor, U.T., Chandigarh, accepts notice on behalf of respondents no.1 and 2, with Mr. Navjot Singh, Advocate, appearing for respondents no.3 to 7. He will file a power of attorney duly executed by respondents no.3 to 7 in his favour well before the next date of hearing.

Adjourned to 26.10.2021.

In the meanwhile, the petitioner, as also respondents no.2 to 7, would appear before the learned trial court/Ilaqa Magistrate upto 08.09.2021 to record their statements. The trial court/Ilaqa Magistrate would satisfy itself with regard to the authenticity of the compromise and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its report to this court, before the next date of hearing.

That court would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this court comes to the conclusion that the FIR sought to be quashed can be so quashed.

A gazetted officer is directed to file an affidavit stating therein whether there are any other criminal cases, of like nature or otherwise, pending against the petitioner or not.”

Pursuant thereto, a report of the learned JMIC, Chandigarh, dated 05.10.2021, has been received, stating to the effect that the complainant in the FIR, i.e. respondent no.3, Deepu, appeared before that court and recorded his statement to the effect that he has compromised the matter with the petitioner of his own free will, with him also having filed an affidavit before that court to that effect. His identity was also duly established by that court.

Similarly, statements of injured persons, i.e. Santosh wife of Sandeep,

Darshan son of Khela Ram, Sneha daughter of Ajay and Kalyama wife of Priya Swami (respondents no.4 to 7) were also recorded, essentially to the same effect, with their identities also having been established by that court.

The statement of the investigating officer was also recorded before that court to the effect that other than the aforesaid persons and the accused (petitioner herein) there is no other person involved in the occurrence (whose consent would be required for quashing the FIR, if this court comes to such conclusion).

As per the assessment of that court, the compromise arrived at between the parties was without any pressure or undue influence.

Learned Addl. P.P., U.T. Chandigarh also submits that, as per his instructions, there is no other criminal case registered against the petitioner.

Counsel for the complainant does not deny that the compromise between the parties still subsists.

That being so, looking at the nature of the offences alleged to have been committed and the matter has been amicably settled between the parties, the petition is allowed and FIR No.256, dated 19.12.2019, registered at Police Station Sector 36, U.T. Chandigarh, for the alleged commission of offences punishable under Sections 279 and 337 of the IPC, along with all proceedings emanating therefrom, is hereby quashed.

October 26, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No