

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

101/2) Date of Decision: 13.12.2021
CRM-M-34285 of 2019 (O&M)

Nitin Aggarwal and others ...Petitioner

Versus

State of Punjab and others ...Respondents

2) CRM-M-26824 of 2019 (O&M)

Surinder Aggarwal and others ...Petitioners

Versus

The State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Anutej Singh Barnala, Advocate, for the petitioners
in CRM-M-34285 of 2019.
Mr. Manreet Singh Nagra, DAG, Punjab.
Respondent No.3 in person in CRM-M-34285 of 2019.
Mr. Tushar Sharma, Advocate for the petitioners
in CRM-M-26824 of 2019.

AMOL RATTAN SINGH, J. (Oral)

CRM-M no.34285 of 2019

On 02.11.2021, the following order had been recorded by this
court:-

“Case heard via video conferencing.
CRM-M-34285-2019

Pursuant to the order passed by this court on September 7, 2021, a
status report dated 28.10.2021, by way of an affidavit of the SSP, SAS
Nagar, Mohali, has been filed, which is ordered to be taken on record.

In brief, the SSP has stated that as per an inquiry conducted by the
SP, City, various police officials, including the SHO of Police Station,
Phase-8, Mohali, and Sub Inspector Vilayati Ram, Constable Shapinder
Bir Singh, etc.have been found guilty of misconduct etc., and that a
departmental inquiry has been ordered to be initiated against them, which
would be taken to its logical conclusion.

Learned counsel for the petitioners submits that action having been taken against the erring police officials, the petitioners have no further grievance in that regard.

Consequently, as regards that issue the departmental action would naturally be taken to its logical conclusion, as per law.

As regards the merits of this case, the petitioners are seeking quashing of FIR No.53, dated 21.05.2019, registered at Police Station Phase-8, SAS Nagar, alleging therein the commission of offences punishable under the provisions of Sections 353/186/323/187 of the IPC, on the basis of a compromise stated to have been arrived at between the petitioners and respondent no.3, i.e. Jaifi Garg, who is stated to be the wife of the first petitioner and daughter-in-law of the second and third petitioners, with a copy of the compromise deed dated 24.07.2019 having been annexed as Annexure P-2 with the petition.

Pursuant to the order passed by this court on September 02, 2019, a report has been received from the learned JMIC, Mohali, dated 30.09.2019, stating to the effect that on 25.09.2019, respondent no.3, i.e. Jaifi Garg, appeared before that court and got recorded her statement that though she had got the aforesaid FIR registered, she has now entered into a compromise and that the parties have no grudge against each other, with the compromise effected voluntarily and without any undue influence, pressure or coercion and that she has no objection if the FIR in question is quashed.

The three petitioners herein are also stated to have made a statement in respect of the compromise reached before that court.

As per the assessment of that court, the compromise arrived at between the parties is wholly voluntary, with it further stated that there is no other person involved in the occurrence who is not a party to the present petition. (In other words, the compromise effected is between all the affected parties in the FIR).

Learned State counsel, however, has pointed out that in fact the FIR was got registered at the instance of respondent no.2, i.e. the SDM, Sohana (Mohali), and consequently, this court would need to consider as to whether the FIR in question can be quashed at all even on the basis of any compromise reached between the petitioners and respondent no.3.

In that context it is to be seen that even as per the FIR, the SDM, in his communication to the DSP, City-II, Mohali, dated 17.05.2019, had stated that on 16.05.2019 proceedings under Section 107/151 Cr.P.C. had been initiated against the petitioners on a complaint received to the effect that there was a matrimonial dispute between the petitioners and respondent no.3, with the matter being subjudice before the Civil Court.

Hence, as regards quashing the FIR on the basis of a compromise reached, simply because the FIR was registered on a complaint made by the SDM (again on a complaint received from respondent no.3), that would be no reason to deny quashing of the FIR on the basis of the compromise reached. However, it is seen that the statements recorded before the trial court are more than 2 years old now, with none appearing for respondent no.3 before this court.

Consequently, notice be now again issued to respondent no.3, returnable on 13.12.2021.

Dasti also.

To be shown in the urgent motion list on that date.

Interim order to continue till that date.

Adjourned to the aforesaid date, i.e. 13.12.2021.

Interim order to continue till that date.

(A photocopy of this order be placed on the file of the connected case).”

Today the person aggrieved of the circumstances leading to the registration of the FIR, i.e. respondent no.3, is present in person (by video conference) and has categorically stated upon a query put to her by this court, that she has indeed compromised the matter with the petitioners (petitioner no.1 being her former husband), with her further submitting that she has no objection to the FIR in question being quashed.

That being so, for the reasons already recorded in the aforesaid order of this court, the present petition is allowed and FIR No.53, dated 21.05.2019, registered at Police Station Phase-8, SAS Nagar, alleging

therein the commission of offences punishable under the provisions of Sections 353/186/323/187 of the IPC, along with all consequential proceedings arising therefrom, is hereby quashed.

CRM-M no.26824 of 2019

By this petition, filed under the provisions of Section 438 of the Cr.P.C, the petitioners seek the concession of anticipatory bail in the context of the aforesaid FIR.

The FIR in question already having been quashed vide the order passed hereinabove in the accompanying petition, this petition has been rendered infructuous and is disposed of as such.

[A copy of this order be placed on the file of the other connected case too.]

13.12.2021

vcgarg

**(AMOL RATTAN SINGH)
JUDGE**

Whether reasoned/speaking: Yes

Whether reportable: No