

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-44121 of 2020

Date of Decision: 16.02.2021

Vivek Kumar and another

...Petitioner(s)

Versus

State of UT, Chandigarh and another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Ms. Promila Nain, Advocate
for the petitioners.

Mr. Amit Kumar Goyal, APP UT Chandigarh.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.118 dated 29.03.2016 under Sections 354-A, 506, 34 IPC registered at Police Station Sector 34 Chandigarh, District Chandigarh (Annexure P-1) and subsequent proceedings arising therefrom, on the basis of compromise dated 12.11.2020 (Annexure P-2).

This Court vide order dated 05.01.2021 had directed the parties to appear before the Illaqa Magistrate/Trial Court to get their statements recorded with regard to compromise so arrived and learned Illaqa Magistrate/Trial Court was directed to submit its report regarding the

genuineness of the compromise so effected between the parties on the basis of statements so recorded.

Pursuant to the aforesaid order, the parties have appeared before Judicial Magistrate Ist Class, Chandigarh and got their statements recorded. Learned Magistrate has forwarded her report dated 09.02.2021 to the effect that the compromise arrived at between the parties is genuine, voluntarily, out of free will and without any coercion or undue influence and the complainant has no objection if the present FIR is quashed.

Though no one is present on behalf of respondent No.2 (complainant) but since no prejudice is going to be caused to the said respondent, this Court has taken up this matter at the request of learned counsel for the petitioners. There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties.

Respondent No.2-complainant namely Harkirat Kaur has made her statement with regard to compromise before learned Magistrate on 29.01.2021. The same is reproduced as under:-

“Stated that I got the above said FIR registered against accused Vivek Kumar and Kamal Arora only. Now with the intervention of my relatives and respectable person of the society, I have amicably settled the dispute with the above said persons on the basis of affidavit with regard to Compromise dated 12.11.2020, copy of which is already submitted before Hon’ble High Court in the quashing petition as Annexure P-2. The contents of above said compromise may kindly be read as part and parcel to the present statement. This compromise is genuine, voluntary, out of free will and without any coercion or undue influence from any side. Now I have no grudge or complaint against the above noted accused persons. I have no objection, if the present FIR is quashed as per the above said

Compromise dated 12.11.2020. I undertake to abide by the terms and conditions of Compromise dated 12.11.2020.”

Learned counsel for UT Chandigarh does not dispute the factum of compromise effected between the parties.

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties and no useful purpose would be served to continue with the proceedings in the instant FIR.

Accordingly, 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***, the present petition is allowed and the FIR No.118 dated 29.03.2016 under Sections 354-A, 506, 34 of IPC registered at Police Station Sector 34 Chandigarh, District Chandigarh (Annexure P-1) and all subsequent proceedings arising therefrom are quashed *qua* the petitioners on the basis of compromise dated 12.11.2020 (Annexure P-2).

February 16, 2021
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No