

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(117)

CRM-M-49506-2019 (O&M)

Date of Decision:19.03.2021

Mohit Chanchal

...Petitioner

VERSUS

Union Territory of Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Dhawal Bhandari, Advocate
for the applicant-petitioner.

...
SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to
Covid-19 pandemic.

CRM-8456-2021

Prayer made in the application is for preponement of the hearing of the
main case, which is fixed for 08.07.2021.

Notice of the application.

On asking of the Court, Mr. Rajiv Vij, APP, Union Territory,
Chandigarh accepts notice on behalf of the State-respondent No.1. Mr.
Abhishek Jhamb, Advocate has put in appearance and accepts notice on
behalf of the non-applicants-respondents No.2 and 3. They do not have any
objection in case the prayer is acceded to.

Application is allowed.

The hearing of the main case is preponed to today and is taken on
Board.

CRM-M-49506-2019

The instant petition has been filed under Section 482 of Code of Criminal Procedure, 1973 for quashing of the FIR No.0096 dated 23.04.2019 under Section 279 of Indian Penal Code, 1860, registered at Police Station South Sector 34, Chandigarh (Annexure P-1) and also the subsequent proceedings arising therefrom on the basis of a settlement/compromise dated 16.11.2019 (Annexure P-2).

Vide order dated 21.11.2019, 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.

After recording the statements of the accused-petitioner and complainants-respondents No.2 and 3, the Judicial Magistrate Ist Class, Chandigarh has submitted the report, relevant extract of which is as under:-

“i) As per report of Investigating Officer ASI Surya Parkash, No.1295, in this FIR, there are only one accused namely Mohit Chanchal.

ii) As per report of Investigating Officer ASI Surya Parkash, No.1295, in this FIR, no accused is proclaimed offender.

iii) The compromise effected between the parties appears to be genuine and valid and without any coercion or undue influence.

iv) As per report of Investigating Officer ASI Surya Parkash No.1295, in this FIR, no other case/proceedings against accused is pending.

v) As per report of Investigating Officer ASI Surya Parkash No.1295, in this FIR, there are only two complainants

namely Ankush Saluja and Punit Sharma @ Punit Prashar.”

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.0096 dated 23.04.2019 under Section 279 of Indian Penal Code, 1860, registered at Police Station South Sector 34, Chandigarh (Annexure P-1) and also the subsequent proceedings arising therefrom on the basis of a settlement/compromise dated 16.11.2019 (Annexure P-2), and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

19.03.2021
Pardeep

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No