

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 246

CRM-M-2107-2021

Date of decision : 14.10.2022

Sukhwinder Pal

..... Petitioner

VERSUS

State of UT, Chandigarh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Dr.Juhi Goel, Advocate, for the petitioner.

Mr.Anupam Bansal, Addl.P.P., UT, Chandigarh for
Mr.J.S.Toor, Addl.P.P., UT, Chandigarh.

None for respondent No.2.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0260 dated 21.08.2019 registered under Sections 354, 354-A and 509 IPC at Police Station Central, Sector 17, Chandigarh and all proceedings arising therefrom qua the petitioner on the basis a written compromise dated 05.01.2021 (Annexure P-2) entered into between the parties.

On 15.01.2021 this Court had directed the parties to appear before the Area Magistrate for recording of their respective statements with regard to the compromise, who in turn was directed to submit a report along with the recorded statements with regard to the authenticity of the compromise and that it has been arrived at without any kind of undue influence or pressure as also to 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.

As directed, report dated 29.01.2021 from the Additional Chief Judicial Magistrate, Chandigarh has been received as per which the parties had recorded their statements before the Trial Court in terms of the compromise arrived at between them; the same is genuine and has been effected without any fear, pressure or undue influence and that there is no 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.

Learned State counsel has no objection if the present petition is allowed.

In view of the above, continuation of the proceedings in pursuance of the afore-referred FIR in which offences are not heinous as also the matter having been compromised, would be an abuse of the process of law and in terms of the law laid down by the Supreme Court in Narinder Singh vs. State of Punjab (2014) 6 SCC 466, this Court deems it just and proper to allow the petition and resultantly quash FIR No.0260 dated 21.08.2019 registered under Sections 354, 354-A and 509 IPC at Police Station Central, Sector 17, Chandigarh and all proceedings arising therefrom qua the petitioner.

14.10.2022
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No