

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11268-2022
Date of decision : 22.08.2022

Doli Rajput

..... Petitioner

versus

State of UT Chandigarh and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Nayandeep Rana, Advocate
for the petitioner.

Ms. Tanyaa Kaushik, Advocate for
Mr. C.S. Bakhshi, APP, U.T. Chandigarh.

Mr. Ashish Partap Pundir, Advocate
for respondent No.2.

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioner is seeking quashing of FIR No.181 dated 18.09.2021 registered under Sections 420 and 120-B IPC at Police Station East Sector 26, Chandigarh, on the basis of compromise.

On 04.05.2022, the following order was passed:-

“The instant petition has been filed under Section 482 Cr.P.C. for quashing of the case FIR No. 181 dated 18.09.2021 under Sections 420 and 120-B registered at Police Station, Sector-26, Chandigarh on the basis of affidavit of complainant dated 29.09.2021 (Annexure P-2) along with all its subsequent proceedings arising therefrom.

Mr. Arjun Dosanj, Advocate appears and accepts notice on behalf of U.T. Chandigarh.

Mr. Ashish Partap Pundir, Advocate appearing

on behalf of respondent No.2 admits the execution of compromise and filed his power of attorney in the Court today which is taken on record.

The parties are directed to appear before the Illaqa Magistrate/trial Court on 23.05.2022 or any other date convenient to the Court for recording their respective statements with regard to compromise/settlement.

The Illaqa Magistrate/trial Court is directed to submit a report along with copies of statements of parties on or before the next date of hearing containing the following information as well:-

- (i) Number of persons arrayed as accused in FIR;
- (ii) Whether any accused is proclaimed offender;
- (iii) The stage of trial/proceedings;
- (iv) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.
- (v) Whether the compromise has been effected with all the accused persons and with all the complainant(s)/injured.

To come up on 22.08.2022 for further consideration.

Reply by respondent No.1-State be filed on or before the next date of hearing, if so desired.”

Pursuant to the aforesaid order, report from Additional Chief Judicial Magistrate, Chandigarh has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“XX XX XX

1. There is only one person namely Doli Rajput @ Sapna arrayed as accused and there is only one

complainant namely Pawan Kumar in the present FIR, as per statement of IO.

2. Accused has not been declared as proclaimed offender.
3. The present case is at the stage of awaiting challan.
4. The compromise is genuine, voluntary and without any coercion or undue influence.
5. There is only one complainant and only one accused and compromise has been effected between them.”

Mr. Ashish Partap Pundir, Advocate appears for respondent No.2 and admits the fact of parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against the petitioner are quashed.

Similarly, Ms. Tanyaa Kaushik, Advocate for Mr. C.S. Bakhshi, APP, U.T. Chandigarh has stated no objection in case the FIR is quashed based upon the compromise entered between the parties.

Keeping in view the fact that offences punishable under Sections 420 and 120-B of the IPC under which the petitioner has been booked are compoundable and compromise has been effected, the present petition is allowed. FIR No.181 dated 18.09.2021 registered under Sections 420 and 120-B IPC at Police Station East Sector 26, Chandigarh and all proceedings subsequent thereto are hereby quashed.

(PANKAJ JAIN)
JUDGE

22.08.2022

Dinesh

Whether speaking/reasoned

Yes

Whether Reportable :

No