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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-33878-2019
Date of decision : 02.09.2022

Kanika Budhiraja

....Petitioner

Versus

U.T., Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Rajiv Joshi, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. Public Prosecutor,
for respondent No.1-U.T., Chandigarh.

PANKAJ JAIN, J. (ORAL)

The petitioner has approached this Court seeking quashing of FIR No.0368 dated 11.10.2018, registered for the offences punishable under Section 420 of the Indian Penal Code, 1860, at Police Station South Sector-34, Chandigarh (Annexure P-1) on the basis of compromise dated 25.06.2019 (Anneuxre P-2) .

2. On 03.12.2019, the following order was passed :-

“The present petition has been filed for quashing of FIR No.0368 dated 11.10.2018 registered under Section 420 IPC at Police Station South Sector-34, Chandigarh and all subsequent proceedings on the basis of compromise. Notice of

motion 30.03.2020. On asking of the Court, Ms. Ashima Mor, APP for UT, Chandigarh, accepts notice on behalf of the UT-Chandigarh. Mr. Vedant Gupta, Advocate, accepts notice on behalf of the complainant-respondent No.2. Learned counsel for the petitioners is directed to supply copy of the paper book to the counsel opposite during course of the day. Let the parties now appear before the Trial Court/Illaq Magistrate on 20.01.2020 or any other date convenient to the Court for recording their statements with regard to compromise. The Trial court/Illaq Magistrate is directed to record the statements of both the parties to its satisfaction to know the genuineness of the compromise and to assess that the statements are not the result of any pressure or coercion in any manner. The Trial Court/Illaq Magistrate is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties. It shall also be reported whether petitioner(s) has been declared Proclaimed Offender(s) in this case or not. ”

3. Pursuant to the aforesaid order, report has been received from Judicial Magistrate 1st Class, Chandigarh, who has reported as under :-

“The compromise arrived between the parties without any pressure and force. They have placed photocopies of their identity cards as Ex. C2 and Ex. C3. Thereafter, Investigating Officer SI Santosh Kumar, No. 1369 has stated that as per police record, in the present case FIR, there is only one accused namely Kanika Budhiraja and one complainant namely Rakesh Kumar Rana. As per record, accused Kanika Budhiraja is regularly appearing in the case and is not declared P.O. in this case. No other case is pending or registered against the accused. Therefore, in the opinion of this

Court, a valid and genuine compromise has been effected between the complainant and accused in this case. Even, as per the statement, the compromise is also arrived between the parties without any kind of undue influence or pressure.”

4. Ms. Akansha, Advocate has put in appearance on behalf of respondent No.2 and filed her Power of Attorney, today in Court, which is taken on record. She submits that the matter has been compromised vide Compromise Deed dated 25.06.2019 and as per the same, the petitioner has performed her part. She further submits that she has no objection in case the FIR and all proceedings subsequent thereto against the present petitioner are quashed.

5. Similarly, Ld. Addl. Public Prosecutor, U.T., Chandigarh has stated no objection in case the FIR is quashed based upon the compromise (Annexure P-2).

6. Keeping in view the aforesaid facts, the present petition is allowed. FIR No.0368 dated 11.10.2018, registered for the offences punishable under Section 420 of the Indian Penal Code, 1860, at Police Station South Sector-34, Chandigarh (Annexure P-1) and all proceedings subsequent thereto are hereby quashed *qua* the present petitioner.

September 02, 2022
Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No