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

CRM-M-54577-2019

Date of Decision: 21.03.2022

Mahavir Sharma

...Petitioner

Versus

Union Territory of Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Varun Suman, Advocate for
Mr. Anil Ghanghas, Advocate
for the petitioner.

Mr. Deepinder Singh Brar, Addl. P.P. for U.T. Chandigarh.

Mr. Sanjeev Kumar, Advocate for
Mr. Inderjit Sharma, Advocate
for respondent No.2.

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JASGURPREET SINGH PURI, J.(ORAL)

The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.162, dated 18.07.2017, under Section 380 IPC, 1860 registered at Police Station Manimajra, Chandigarh and all other consequential proceedings arising therefrom on the basis of compromise.

It has been submitted by learned counsel for the petitioner that in pursuance of the order passed by this Court on 13.02.2020, the petitioner as well as the respondent No.2, have already appeared before the learned trial Court/Illaq Magistrate and their statements have been recorded. He further submitted that the present FIR was lodged on the basis of some misunderstanding between landlord and the tenant and during the proceeding before the learned Rent Controller, the matter was compromised between the

parties and has also submitted that since the present subject matter of the case does not fall in the category of any heinous or serious offence and it was only due to some misunderstanding pertaining to CCTV camera and it would not be in the interest of justice if the proceedings in the present case is continued.

Mr. Deepinder Brar, learned State counsel appearing for the U.T. Chandigarh has stated that after the investigation was completed, the report under Section 173 Cr.P.C. has been presented before the competent Court, in this regard. He has submitted that he has no objection in case the present FIR is quashed since the parties have compromised the matter with each other.

Mr. Sanjeev Kumar, Advocate appearing on behalf of the respondent No.2/complainant has also submitted that the matter has been resolved between the parties and he has no objection if the present FIR is quashed.

I have heard the learned counsel for the parties.

In pursuance of the order passed by this Court on 13.02.2020, the parties have appeared before the learned Judicial Magistrate, Ist Class, Chandigarh, who has sent report dated 02.03.2020 before this Court. As per the report, it has been stated by learned Judicial Magistrate, Ist Class, Chandigarh that there is only person who is arrayed as an accused namely, Mahavir Sharma and the complainant Sudhir Kumar Nayyar, who has suffered a statement voluntarily that he has no objection if the present FIR is quashed and there is no proclaimed offender yet has been declared in the present case. It has also been stated in the report that a compromise has been effected between the parties voluntarily and without any coercion or undue influence. The parties are examined in person. The subject matter of the present case does not fall in the category of any serious or heinous offence. As per the learned counsel for the parties, the dispute is between the landlord

and the tenant pertaining to CCTV camera and some other articles and the same has since been settled between the parties with the intervention of the respectable.

Therefore, in view of the law laid down by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab, 2012 (4) R.C.R. (Criminal) 543** and a full Bench judgment of this Court passed in **Kulwinder Singh vs. State of Punjab, 2007 (3) R.C.R. (Criminal) 1052**, this Court is of the view that it is a fit case where in order to secure the ends of justice, the continuation of the present proceedings may be stopped since according to the subject matter of the present case, it does not fall in the category of any serious or heinous offence and the matter has since been resolved between the parties and the statements have already been recorded by the learned Judicial Magistrate, Ist Class, Chandigarh with regard to the genuineness and voluntariness of the compromise.

Therefore, considering the totality and aforesaid facts and circumstances of the present case, the present petition is allowed. The FIR No.162, dated 18.07.2017, under Section 380 IPC, 1860 registered at Police Station Manimajra, Chandigarh and all other consequential proceedings arising therefrom are quashed on the basis of compromise, qua the petitioner.

(JASGURPREET SINGH PURI)
JUDGE

March 21, 2022
Manpreet

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