

CRM-M-8944-2020 (O&M)

Date of decision: 18.07.2023

Deepak and others

...Petitioners

Versus

U.T. Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Raj Kishore, Advocate,
For the petitioners.

Mr. Viranjeet Singh Mahal, Addl. PP, U.T. Chandigarh.

None for respondents No.2 and 3, despite service.

ARUN MONGA, J. (ORAL)

The instant petition has been filed under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') seeking quashing of FIR No.123 dated 06.03.2015 (Annexure P-1), under Sections 147, 148, 323 read with Section 149 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station, Manimajra, U.T. Chandigarh and subsequent proceedings thereto, on the basis of compromise in the form of affidavit dated 08.11.2019 (Annexure P-2), which is stated to have been entered into between the parties.

2. Since quashing was sought on the basis of compromise, this Court on 28.02.2020 had directed the parties to appear before learned trial Court/*Illaga* Magistrate concerned for recording of their statements in support of the compromise. A veracity report was also called for.

3. Placed on record is a report dated 15.12.2021 of learned Judicial Magistrate First Class, Chandigarh and a perusal of the same would reveal that the statements of the complainant/respondents No.2 and 3 as also of the accused/present petitioners herein have been duly recorded and it has been opined that a compromise has been arrived and is authentic, genuine, voluntary and out of free will of the parties. The report is accompanied by the statements of the parties which were duly recorded.

4. Since despite service, none appears on behalf of respondents No.2 and 3, it is suggestive that they have no objection to the quashing of FIR in question, as is borne out from their statement which was recorded and is accompanied with the report received from learned Judicial Magistrate First Class, Chandigarh.

5. This Court in appropriate cases can exercise the power under Section 482 Cr.P.C. for quashing of criminal proceedings/FIR on the basis of compromise. A reference in this regard may be made to a decision dated 29.09.2021 of the Supreme Court in case titled *Ramgopal and anr. V. The State of Madhya Pradesh*¹ and a Full Bench decision of this Court in *Kulwinder Singh and others V. State of Punjab and others*².

6. Adverting back to the facts of the present case, it is apparent that the complainant/respondents No.2 and 3 and accused/petitioners are known to each other and compromise has been arrived at between the parties voluntary and without any coercion.

7. In the considered view of this Court, it would be an appropriate case for exercise of power under Section 482 Cr.P.C. and to bring to an end the criminal proceedings initiated in the light of the impugned FIR.

8. For the reasons recorded above, the present petition is allowed. FIR No.123 dated 06.03.2015 (Annexure P-1), under Sections 147, 148, 323 read with Section 149 of IPC, registered at Police Station , Manimajra, U.T. Chandigarh and all proceedings emanating therefrom *qua* the petitioners stand quashed.

8. Pending application(s), if any, shall also stand disposed of.

JULY 18, 2023
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No

¹Criminal Appeal No.1489 of 2012