

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

(268)

CRM-M-11261-2020

Date of Decision :-13.07.2023

Sharda Rani and others

...Petitioners

Versus

Union Territory of Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Subhash Ahuja, Advocate for the petitioners.

Ms. Priyanka Dalal, Standing counsel for U.T., Chandigarh
assisted by ASI Ram Lubhaya, P.S. Sector-17, Chandigarh.

Mr. C.D. Kataria, Advocate for respondent No. 2.

Harsimran Singh Sethi, J. (Oral)

1. Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No. 0164 dated 30.05.2011, registered under Sections 420, 467, 468, 471, 120-B IPC at Police Station Sector-17, Chandigarh and all other subsequent proceedings arising therefrom, on the basis of the compromise dated 25.10.2016 (Annexure P-6), which has been entered into between the parties.

2. On 20.12.2021, a Coordinate Bench of this Court had passed the following order:-

“CRM-42393-2021

In view of the reasons mentioned in the application, the same is allowed and the hearing of the main petition is

preponed from 13.7.2022 and is taken on board today.

CRM-M-11261-2020 (Main Case)

The petitioners have approached this Court seeking quashing of FIR (Annexure P-1) and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Learned counsel for the petitioners submits that the matter pertains to be a dispute between the LRs of one Babu Ram, who was owner of booth No.10, Sector 29-D, Chandigarh, and one Gurmeet Singh (respondent No.2), who claimed that Babu Ram had entered into an agreement for sale of the said booth to him. Learned counsel has submitted that the FIR came to be lodged under some misunderstanding, which has now been resolved and the parties have entered into an amicable settlement.

Notice of motion for 17.3.2022.

At this stage, Ms. Vasundhara Dalal Anand, APP, U.T., Chandigarh, upon whom an advance copy of petition had already been served accepts notice on behalf of the respondent-State.

The parties are directed to move an application before the trial Court/Illaq Magistrate concerned for getting their statements recorded qua the factum of compromise. As and when any such application is moved and put up before the trial Court/Illaq Magistrate, the trial Court/Illaq Magistrate shall consider the said application and do the needful for recording the statements of the parties qua the factum of the compromise, on any convenient date. After recording the statements of all the affected parties, the trial Court/Illaq Magistrate shall submit its report on the basis of the statements so recorded as to whether all the affected parties have entered into a compromise and as to whether the compromise in question is found to be a valid compromise and has been effected without there being any kind of influence or coercion.

The trial Court/Illaq Magistrate shall also report as regards the following facts after seeking information from Investigating Officer, concerned:

- (i) Whether there is any other accused other than the petitioners, arrayed in this petition.*
- (ii) Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition.*
- (iii) Whether any accused has been declared Proclaimed Offender?*

The report be submitted before this Court on or before the next date.”

3. A report dated 08.03.2022 has come from Judicial Magistrate First Class, Chandigarh addressed to the Registrar General of this Court along with the statement of the accused-petitioners as well as the complainant, which have been recorded. As per the said report, the compromise between the parties is genuine, voluntary and without any coercion or undue influence and none of the accused has been declared as proclaimed offender and no other criminal proceedings are pending against them. The relevant portion of the report is as under:-

“(i). There are only six persons who have been arrayed as accused namely Sharda Rani, Asha Rani, Amit Chand, Lata Sharma, Sunil Kumar and Darshana Rani. Statements of all the accused persons namely Sharda Rani, Asha Rani, Amir Chand, Lata Sharma, Sunil Kumar and Darshana Rani have been recorded separately. As per statement of investigating officer as well as parties, accused persons have never been declared proclaimed offender nor involved in any other case.

(ii). That in the present case Gurmeet Singh is

the only complainant who has appeared and got recorded his statement in support of compromise. However, Ms. Simi @ Seema (witness of compromise Ex. C-1) also appeared and got recorded his statement. As per statements so recorded, Gurmeet Singh is only affected party whose statement has been recorded.

(iii). The case is at the stage of recording prosecution evidence.

(iv). From the statements of parties, it appears that the compromise is genuine/valid and has been effected between parties voluntarily, out of free will and without any coercion or undue influence and is not result of any fraud or misrepresentation.”

4. As per the report of the trial Court, the parties have already entered into compromise so as to live peacefully hence, no useful purpose will be served in keeping the FIR alive.

5. Learned State counsel has also not raised any objection in respect of the prayer of the parties for quashing the FIR on the basis of the compromise.

6. Keeping in view the totality of the circumstances, which have been mentioned hereinbefore as the parties have already entered into compromise to settle their dispute so as to live peacefully and none of the accused is a proclaimed offender and there are no other criminal cases against the accused-petitioners, this Court is inclined to accept the prayer of the petitioners for quashing the FIR on the basis of the compromise dated 25.10.2016 (Annexure P-6).

7. Thus, FIR No. 0164 dated 30.05.2011, registered under Sections 420, 467, 468, 471, 120-B IPC at Police Station Sector-17, Chandigarh and all other subsequent proceedings arising therefrom are

quashed qua the petitioners on the basis of compromise entered into between the parties.

8. The above order, quashing of the FIR, will be subject to the payment of ₹10,000/- as cost to be deposited with the Institute for the Blinds, Sector 26, near Homeopathic Medical College and Hospital, Chandigarh, by the petitioners.

July 13, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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