

2023:PHHC:092748

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

245

CRM-M-23653-2023 (O&M)

Date of Decision:21.07.2023

Vishesh Aggarwal

.....Petitioner

Versus

State of UT Chandigarh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. G.S. Brar, Advocate for the petitioner.

Mr. Viranjeet Singh Mahal, Addl. P.P., UT Chandigarh.

Mr. P.S. Saini, Advocate for

Mr. Rakesh Mohan Jain, Advocate for complainant.

HARSIMRAN SINGH SETHI J.(Oral)

1. Mr. P.S. Saini, Advocate for Mr. Rakesh Mohan Jain, Advocate, appeared on behalf of complainant and has filed power of attorney and the same is taken on record.

2. Present petition has been filed for quashing of FIR No.116 dated 28.06.2021 under Sections 420 and 120-B IPC, registered at Police Station Mani Majra, District Chandigarh, on the basis of the compromise.

3. Notice was issued on 10.05.2023 and parties were directed to appear before the trial court.

4. Today Mr. P.S. Saini, Advocate, appears on behalf of the complainant and submits on instructions that the complainant is not ready for quashing of FIR on the basis of compromise.

5. Learned counsel for the petitioner submits that there is some miscommunication with regard to the payment of money to the complainant.
6. Be that as it may, once the respondent-complainant is not agreeable for the quashing of the FIR on the basis of the compromise, no order can be passed by this Court.
7. Faced with such a situation, learned counsel for the petitioner submits that petitioner be given liberty either to file a fresh petition for compromise after getting the doubts of complainant clarified or to file a quashing petition on merits keeping in view the statement of the complainant.
8. In this regard, in case the petitioner feels that he is entitled for quashing of FIR on the basis of compromise, liberty is given to file a fresh petition. For filing a quashing petition on merits, no liberty is needed as the petitioner has full jurisdiction to file petition seeking quashing of the FIR.
9. It is made clear that this Court is not making any opinion on merits with regard to the prayer for quashing of the FIR in question at this stage.

(HARSIMRAN SINGH SETHI)
JUDGE

21.07.2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No