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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28120-2022 (O&M)

Date of Decision: 01.12.2023

Harish Mittu @ Vicky

....Petitioner(s)

Versus

Union Territory, Chandigarh and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sikandh Mehta, Advocate, for
Mr. Pankaj Bali, Advocate, for the petitioner.

Ms. Roopse Sharma, Advocate for
Mr. Anil Kumar Lamdharia, APP, U.T. Chandigarh.

Mr. Raghav Bali, Advocate, for
Mr. Parveen Sharma, Advocate, for respondent No.2.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 88 dated 25.05.2022, under Section 420 IPC, registered at Police Station Industrial Area, Chandigarh alongwith all other consequential proceedings, based upon compromise (Annexure P-2).

2. Learned counsel appearing on behalf of the petitioner submitted that it is a case where there was one on one dispute between the petitioner and respondent No.2 with regard to the purchase of a car and thereafter, the matter has been settled amicably and, therefore, no useful purpose will be

served in case further proceedings are carried on against the petitioner. He further submitted that in pursuance of the orders passed by this Court on 05.07.2022, the parties have already appeared before the learned Magistrate, Chandigarh and got the statements recorded with regard to the factual position of the compromise and considering the aforesaid facts and circumstances where the matter has been amicably settled between the parties, the FIR alongwith all the consequential proceedings may be quashed.

3. Ms. Roopse Sharma, Advocate appearing on behalf of Mr. Anil Kumar Lamdharia, APP, U.T. Chandigarh has submitted that the subject matter of the present FIR does not fall in the category of serious or heinous offence since it was a dispute between two parties only.

4. Ms. Raghav Bali, Advocate appearing on behalf of Mr. Parveen Sharma, Advocate for respondent No.2 has submitted that it is correct that an amicable settlement has been arrived at between the parties and he has no objection in case the FIR is quashed based upon compromise.

5. I have heard the learned counsel for the parties.

6. In pursuance of the orders passed by this Court on 05.07.2022, a report has been received from the learned Chief Judicial Magistrate, Chandigarh dated 14.09.2022 whereby it has been so reported that on the basis of the statements recorded by the parties, the compromise as effected between them appears to be genuine and effected without any fear, pressure or undue influence and the petitioner has not been declared as a proclaimed offender. Apart from the above, it has also been stated in the report that besides the present complainant, there is no other victim in this case.

7. The law with regard to quashing of FIR based upon

compromise is no longer *res integra*. The Hon'ble Supreme Court in “*Gian Singh Vs. State of Punjab and another*”, 2012(10) SCC 303, “*State of Madhya Pradesh Vs. Laxmi Narayan and others*”, 2019(2) SCC (Crl.) 706 and Full Bench judgment of this Court in “*Kulwinder Singh and others Vs. State of Punjab and others*”, 2007(3) RCR(Criminal) 1052 observed that in case where the Court finds that the subject matter of the case is not serious or heinous and the parties have arrived at an amicable settlement voluntarily or without any force or coercion, then considering the facts and circumstances of each and every case, the FIR can be quashed based upon compromise.

8. A perusal of the FIR would show that it was a dispute pertaining to purchase of a car which does not fall in the category of any serious or heinous offence. Furthermore, the learned Chief Judicial Magistrate has also reported that as per the statements of the parties, the compromise is genuine, voluntary and without any coercion or undue influence. Therefore, this Court is of the view that since the subject matter of the present case does not fall in the category of any serious or heinous offence and the matter has been amicably settled between the parties, it is a fit case for quashing of the FIR based upon compromise.

9. Consequently, the present petition is allowed and the FIR No. 88 dated 25.05.2022, under Section 420 IPC, registered at Police Station Industrial Area, Chandigarh alongwith all other consequential proceedings is hereby quashed qua the petitioner based upon compromise.

01.12.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking

: Yes/No

Whether reportable

: Yes/No