

CRM-9423-2020 in/and
CRM-M-9942-2018 (O&M)
Date of decision: 28.02.2023

HARBIR SINGH AND ANR.

...APPLICANT/PETITIONERS

VERSUS

UT OF CHANDIGARH AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. P.S.Ahluwalia, Advocate and
Mr. Gurmohan Singh Bedi, Advocate
for the applicant/petitioners.

Mr. Jatinder Kumar, Advocate for
Mr. Abhinav Gupta, Addl. PP, for UT, Chandigarh.

Mr. Vinay Begra, Advocate for
Mr. Vikas, Advocate for respondent No.2.

VIVEK PURI, J. (ORAL)**CRM-9423-2020**

This is an application for placing on record the affidavit of
respondent No.2.

CRM application is disposed of and affidavit of respondent No.2 is
taken on record, subject to all just exceptions.

Registry to tag the same at the appropriate place.

Main case

Petitioners have assailed the order dated 26.02.2018 passed by the
learned Judicial Magistrate 1st Class, Chandigarh in complaint No.139, dated
22.02.2018, titled as Jarnail Singh Kaira Versus Harbir Singh and another vide

which the directions were issued to officer Incharge, PS, Industrial Area, Chandigarh to register the FIR against the petitioners under Section 420 IPC as per the provisions of Section 156(3) of the Code of Criminal Procedure.

Briefly, the allegations are to the effect that the petitioners are running business in the name and style of M/s Speed Motors and they had sold a preowned and accidental vehicle to respondent No.2 for a consideration of Rs.2,65,000/- by deceiving him and representing that it was a brand new vehicle.

Learned counsel for the petitioners and counsel for respondent No.2 are ad idem that the dispute has been amicably settled between the parties and an amicable settlement will help in maintaining cordial relations between them in future. At the earlier instance, on the basis of similar allegations, an FIR bearing No.286 dated 16.09.2015, under Section 420 IPC, 1860, at Police Station Industrial Area, District Chandigarh was registered against Harmohan Singh, an employee of M/s Speed Motors, cancellation report was submitted and the same was accepted by the Court. As per the settlement, the petitioners have agreed to pay a sum of Rs.1,00,000/- as compensation to respondent No.2 for the loss suffered by him. A sum of Rs.50,000/- has already been paid and the balance amount shall be paid within a period of two weeks. A complaint instituted by respondent No.2 in the District Consumer Forum, Chandigarh has also been withdrawn. Respondent No.2 has no objection, if the impugned order is set aside. He has also submitted an affidavit (Annexure R-2) in this regard.

Learned counsel for the UT, Chandigarh has also not disputed the fact that at the earlier instance, an FIR No.286 dated 16.09.2015, under Section 420 IPC, 1860, at Police Station Industrial Area, District Chandigarh was registered on the basis of same allegations against the employee of M/s Speed

Motors, a cancellation report was submitted and the same has been accepted by the Court.

After hearing the learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the parties have arrived at a settlement, out of the Court, by way of compromise. Both the private parties have admitted the fact of compromise and the same appears to be genuine one. In such a situation, the continuation of the proceedings in pursuance of the impugned order would result in sheer abuse of process of law. Moreover, the controversy in the instant case does not indicate that the same involves heinous or serious offence. A private dispute has been sought to be amicably settled. Consequently, a deserving case is made out where the court should exercise the power to secure the ends of justice.

In view of the amicable settlement, the present petition is allowed and the impugned order dated 26.02.2018 (Annexure P-8) is quashed.

28.02.2023

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(VIVEK PURI)
JUDGE

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