

CRM-M-42082-2023

2023:PHHC:147403

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-42082-2023

Date of Decision : November 20, 2023

Arun Kumar and another

.....Petitioners

VERSUS

State of UT, Chandigarh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Rupinder Singh Rana, Advocate
for the petitioners.

Mr. Vivek Singla, APP for UT, Chandigarh.

Mr. Partyush Sood, Advocate
for respondent No.2.

KULDEEP TIWARI. J.(Oral)

1. The instant petition, as cast under Section 482 of the Cr.P.C., proffers the hereinafter extracted relief, as craved by the petitioners, inasmuch as, quashing of the FIR No.0103 dated 16.6.2023, under Sections 409, 120-B IPC, registered at P.S. Central Sector-17, District Chandigarh, and all subsequent proceedings arising therefrom, on the basis of a compromise (Annexure P-2), as entered into inter se the petitioners and respondent No.2/complainant.

2. The complainant is a company, who authorized Mr.Amrit Thakur vide resolution dated 17.6.2023 to enter into mutual settlement agreement with the accused parties in FIR No.103 dated 16.6.2023 and to appear before the Courts to make written as well as oral submissions and

'no objection certificate' has been placed on record depicting that the petitioners have made payment of ₹5 lacs as full and final payment in terms of deed of settlement dated 16.8.2023, which has been issued by the respondent-company.

3. Upon an affirmative response from the learned counsel for respondent No.2/complainant qua the compromise (Annexure P-2), a Co-ordinate Bench of this Court had, through an order drawn on 24.8.2023, upon the instant petition, besides issuing notice, directed the parties to appear before the trial Court/Illaq Magistrate concerned, for getting their respective statements recorded qua authenticity of the compromise (Annexure P-2). Moreover, the trial Court/Illaq Magistrate concerned was also directed to send a report in the above regard.

4. Consequent to the making of the directions (supra), the parties appeared before the Chief Judicial Magistrate, Chandigarh and got their respective statements recorded, thereby authenticating the compromise (Annexure P-2). Accordingly, in compliance of the directions (supra) of this Court, a Report bearing No.616 dated 6.9.2023 has been received from the Chief Judicial Magistrate, Chandigarh, wherein, a satisfaction has been recorded by the Magistrate concerned qua the compromise (supra) being drawn in a genuine and voluntary and without any pressure or coercion and out of free will of the parties.

4. I have heard counsel for the parties and gone through the case file.

5. A Co-ordinate Bench of this Court, in **CRM-M-25669-2020**

(O&M), titled “Abhishek Singh & others V/s State of Punjab & others”, Pronounced on: 07.04.2022, while granting a similar relief, as craved in the instant petition, has observed as under:-

“9. The following aspects would be relevant to conclude this petition:-

a) The accused and the private respondents have amicably settled the matter between them in terms of the compromise deed and the statements recorded before the concerned Court;

b) A perusal of the documents reveal that the settlement has not been secured through coercion, threats, social boycotts, bribes, or other dubious means;

c) The victim has willingly consented to the nullification of criminal proceedings;

d) There is no objection from the private respondents in case present FIR and consequent proceedings are quashed;

e) In the given facts, the occurrence does not affect public peace or tranquillity, moral turpitude or harm the social and moral fabric of the society or involve matters concerning public policy;

f) The rejection of compromise may also lead to ill will. The pendency of trial affects career and happiness;

g) There is nothing on the record to prima facie consider the accused as an unscrupulous, incorrigible, or professional offender;

h) The purpose of criminal jurisprudence is reformatory in nature and to work to bring peace to family, community, and society;

i) The exercise of the inherent power for quashing the conviction, sentence and all previous proceedings is justified to secure the ends of justice.”

6. In the light of the hereinabove recorded aspects and considering the fact that the offences, for which the petitioner/accused has been charged, are not of grave in nature, as also in view of the law laid down in *Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543* and *Kulwinder Singh and others Vs. State of Punjab 2007(3) RCR (Criminal) 1052*, the present petition for quashing the FIR (supra) is hereby allowed.

7. Resultantly, FIR No.0103 dated 16.6.2023, under Sections 409, 120-B IPC, registered at P.S. Central Sector-17, District Chandigarh and all subsequent proceedings arising therefrom, are hereby quashed, on the basis of the compromise (Annexure P-2).

(KULDEEP TIWARI)

JUDGE

November 20, 2023

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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No