

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

(275)

CRM-M-54611-2022

Date of Decision : July 20, 2023

Jaspal Singh Dhillon alias JS Dhillon**.. Petitioner****Versus****State of U.T Chandigarh and another****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Ravi Sharma, Advocate, for the petitioner.

Ms. Simsi Dhir Malhotra, Addl. P.P., for U.T. Chandigarh.

Mr. Harsh Manocha, Advocate, for respondent No.2.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present petition, the prayer of the petitioner is for quashing of FIR No.239 dated 21.09.2022 registered under Sections 406, 420 of the Indian Penal Code, 1860 at Police Station Sector-36, Chandigarh and all other subsequent proceedings arising therefrom, on the basis of compromise dated 04.10.2022 (Annexure P-2) entered into between the parties.

The Coordinate Bench of this Court while issuing notice of motion on 24.11.2022 had passed the following order:-

“This is a petition for quashing of FIR No. 239 dated 21.09.2022 filed under Sections 406, 420 of Indian Penal Code, registered at Police Station Sector-36, Chandigarh (Annexure P-1) on the basis that a compromise (Annexure P-2) has been entered into between the parties.

Notice of motion for 27.01.2023.

At this stage, on the asking of the Court Ms. Simsi Dhir, APP, UT, Chandigarh accepts notice on behalf of respondent No.1-State. Copy of the paper book be supplied to her during the course of day.

Parties are directed to appear before the learned trial Court/Illaqa Magistrate on 19.12.2022 or any other date convenient to the trial court/Illaqa Magistrate, to get recorded their statements regarding compromise and after recording their statements, learned trial court/Illaqa Magistrate, is directed to send the report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused.*
- 2. Whether any accused is proclaimed offender.*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
- 4. Whether the accused persons are involved in any other FIR or not.*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

In the meantime, reply by the respondent-State be filed. ”

A report dated 23.01.2023 has come from Judicial Magistrate Ist Class, Chandigarh, addressed to the Registrar General of this Court along with the statements of the accused-petitioner as well as the complainant which have been recorded. As per the said report, the compromise between the parties is bona fide and is not a result of any pressure or coercion on any of the parties to the compromise and none of the accused has been declared as proclaimed offender and no other criminal proceedings are pending against him. The relevant portion of the said report is as under:-

“ Queries were also put to the parties regarding the genuineness of the compromise during the proceedings. During query, parties have replied that the compromise has been entered

into with their free will without any threat, coercion or undue influence from any corner qua accused Birinder Singh. As per Investigating Officer of this case, accused has not been declared Proclaimed Offender and accused is not involved in any other FIR. The only victim is the complainant in this case.

The statements of the parties and statements of Investigating Officer dated 20.01.2023 are annexed herewith for kind perusal.

Your goodself is requested to place this report before the Hon'ble Punjab and Haryana High Court for passing further necessary orders in this respect.”

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

Learned counsel for the respondent No.2-complainant admits the compromise as well as the statement made before the Judicial Magistrate Ist Class, Chandigarh and does not raise any objection, in case the FIR in question is quashed on the basis of the compromise.

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

Keeping in view the totality of the circumstances which have been mentioned herein before and that 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-petitioner, this Court is inclined to accept the prayer of the petitioner for quashing the FIR on the basis of the compromise.

Thus, the FIR No.239 dated 21.09.2022 registered under Sections 406, 420 of the Indian Penal Code, 1860 at Police Station Sector-36, Chandigarh and all other subsequent proceedings arising therefrom are

quashed qua the petitioner on the basis of compromise entered into between

the parties.

The above order, quashing of the FIR, will be subject to the payment of Rs.10,000/- as cost to be deposited with Ashiana (Specialized Adoption Agency) and Snehalaya for Girls (Children's Home) QQ 2C+437, 15C, Sector-15, Chandigarh, 160015 by the petitioner.

July 20, 2023

harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No