

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

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CRM-M-60515-2022

Date of Decision :-17.07.2023

Priya Chhatwal**...Petitioner****Versus****State of U.T. Chandigarh and another****...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. S.K. Bawa, Advocate for the petitioner.

Ms. Simsi Dhir Malhotra, A.P.P, U.T. Chandigarh.

Mr. Arun Dogra, Advocate for respondent No.2.

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Harsimran Singh Sethi, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.164 dated 28.11.2022 (Annexure P-1) registered under Section 380 of Indian Penal Code, 1860 at Police Station West Sector-11, Chandigarh along with all consequential proceedings therefrom on the basis of compromise dated 19.12.2022 (Annexure P-2), which has been entered into between the parties.

On 19.01.2023, a Coordinate Bench of this Court had passed the following order:-

“Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No.164 dated 28.11.2022 (Annexure P-1) registered under Section 380 of Indian Penal Code, 1860 at Police Station West Sector-11, Chandigarh along with all consequential proceedings therefrom on the basis of compromise (Annexure P-2) entered into between the parties.

Notice of motion.

Ms. Simsi Dhir Malhotra, APP, UT, Chandigarh waives service on behalf of respondent No.1-State.

At this stage, Mr. Arun Dogra, Advocate puts his appearance and has filed his Power of Attorney on behalf of respondent No.2 and the same is taken on record, subject to all justice exceptions.

Adjourned to 13.02.2023.

In the meanwhile, the parties are directed to appear before Illaqa Magistrate/trial Court for recording of their respective statements with regard to compromise, on 16.01.2023.

The Illaqa Magistrate/trial Court is directed to submit a report containing the following information:-

- (i) Number of persons arrayed as accused in FIR and those found involved during investigation;
- (ii) What is the status of the proceedings of the case/FIR.
- (iii) Whether any accused is proclaimed offender.
- (iv) Whether the accused persons are involved in any other case or not;
- (v) Whether all the concerned have signed the compromise deed;
- vi) Whether the compromise is genuine, voluntary, and without any coercion or undue influence;
- vii) 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.

The afore-made report be ensured to be sent to this Court on or before the next date of hearing fixed before this Court.”

A report dated 03.01.2023 appended as (Annexure-A) has come from Judicial Magistrate 1st 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 genuine, voluntary and without any coercion or undue influence and the accused has not been declared as proclaimed offender however, accused is involved in another case bearing FIR No.239 of 2018, which is pending against her. The relevant portion of the report is as under:-

“It is respectfully submitted that the aforesaid FIR was lodged against accused Priya Chhatwal only who is on bail and not a proclaimed offender. In view of the statement of SI Gurmeet Singh, it is reported that other than complainant Puneet Singhal, there is no other compared or victim involved. It is further reported that accused Priya Chhatwal is involved in another FIR NO.239 of 2018, under Section 380 IPC, Police Station Sector 11, Chandigarh. Present case is under investigation. Keeping in view all aspects and statements of complainant Dr. Puneet Singhal and accused Priya Chhatwal, I am of the considered view that compromise between them is genuine and has been freely entered into between them without any undue influence, coercion or pressure of any kind. Also their statements are bonafide and are not result of any threat or coercion.”

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

Learned State counsel has not raised any objection in respect of the prayer of the parties for quashing the FIR on the basis of the compromise. In respect of FIR No.239/2018, as per the information given to this Court, same is still under investigation hence, same will not be a hurdle to grant the prayer as made in the present petition.

Keeping in view the totality of the circumstances, which have been mentioned hereinbefore as 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, this Court is inclined to accept the prayer of the petitioner for quashing the FIR on the basis of the compromise.

Thus, FIR No.164 dated 28.11.2022 (Annexure P-1) registered under Section 380 of Indian Penal Code, 1860 at Police Station West Sector-11, Chandigarh and all other subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 19.12.2022 (Annexure P-2) entered into between the parties.

The above order, quashing of the FIR, will be subject to the payment of Rs.5,000/- as cost to be deposited with Kartar Aasra Old Age Home, Kartar Aasra Road, Rock Garden, Sector-1 Chandigarh, 160001, Kartar Aasra Trust, ICICI Bank, Current A/C No.001305500868, IFSC-ICICI00000013 by the petitioner.

July 17, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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