

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-8722-2024 IN/AND
CRM-M-4464-2024
Date of Decision:21.03.2024

Dinesh Gupta and Anr. ...Petitioners

vs.

Union Territory, Chandigarh and others ...Respondents

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Rakshit Gupta, Advocate
for the petitioner/non-applicant.

Mr. Ankit Chodhri, Advocate
for respondent No.2.

Mr. Parunjeet Singh, Advocate
for the applicant/respondent No.3.

Mr. Rajeev Anand, Additional P.P, U.T, Chandigarh.

N.S.Shekhawat J. (Oral)

CRM-8722-2024

. This application has been filed under Section 482 Cr.P.C with a prayer to transpose of the applicant in the Memorandum of Parties from respondent No.3 to petitioner No.3.

Notice of the application.

Mr. Rajeev Anand, Additional P.P, U.T, Chandigarh, who is present in the Court accepts notice on behalf of respondent No.1 and Mr. Ankit Chodhri, Advocate accepts notice on behalf of respondent No.2 and they have no serious objection, if the present application is allowed.

Consequently, the application is allowed and the respondent No.3 is ordered to transpose as petitioner No.3. Amended memo of parties is taken on record.

Main case

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of an FIR No. 344 dated 26.09.2018 under Sections 420 read with Section 120-B of IPC registered at Police Station Sector-36, Chandigarh (Annexure P-1) alongwith all the consequential proceedings arising therefrom on the basis of compromise/affidavit dated 08.02.2020 (Annexure P-2) and 22.12.2023 (Annexure P-5).
2. Vide order dated 30.01.2024, while issuing notice of motion, this Court had directed the parties to appear before the Illaqa Magistrate/trial Magistrate for getting their statements recorded with respect to the compromise/affidavit dated 08.02.2020 (Annexure P-2) and 22.12.2023 (Annexure P-5).
3. Pursuant to aforesaid order, the parties have appeared before the JMIC, Chandigarh and got their statements recorded. Report dated 22.02.2024 has been received whereby after recording the statements of the parties, the Court below has shown its satisfaction that the compromise is genuine, voluntary and without any coercion or undue influence.
4. I have heard counsel for the parties and gone through the case file.
5. In the light of the satisfaction shown by the Court below and considering the offence for which the accused have been charged are not of serious nature, together with the fact that compromise will go a long way in ironing out the differences for betterment of future life of the parties and 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 is allowed qua the petitioners.

6. Resultantly, FIR No. 344 dated 26.09.2018 under Sections 420 read with Section 120-B of IPC registered at Police Station Sector-36, Chandigarh (Annexure P-1) alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

21.03.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No