



CRM-M -4206-2020

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

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CRM-M -4206-2020

Date of Decision : May 09, 2024

NEERAJ SACHDEVA

.....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

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CRM-M-5129-2020

RAJEEV PAHWA

.....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Lokesh Vohra, Advocate
for the petitioner in CRM-M-4206-2020 and
for respondent No.2 in CRM-M-5129-2020.

Mr. Karajveer, Advocate for
Mr. Piyush Khanna, Advocate
for the petitioner in CRM-M-5129-2020 and
for respondent No.2 in CRM-M-4206-2020.

Mr. Raghav Garg, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. The instant petitions, as cast under Section 482 of the Cr.P.C., proffers the hereinafter(s) extracted relief, as craved by the petitioner(s), inasmuch as, quashing of the FIR No.0157 dated 3.7.2019, under Sections 307, 436, 427, 506 of the IPC, and cross case G.D. No.019 dated 4.7.2019 under Sections 452, 323, 148, 427 and 149 IPC, registered at P.S. City Phagwara and all other consequent proceedings arising therefrom, on the basis of a compromise (Annexure P-2), as entered into *inter se* the petitioner(s) and respondent No.2/complainant.



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2. As one of the offences in which the petitioner-Neeraj Sachdeva is facing trial is offence under Section 307 IPC, therefore, this Court deemed it appropriate to call for the reply from the respondent-State. Accordingly, the reply was filed by the State.

3. The instant FIR was registered on a statement made by one Rajiv Pahwa. The relevant extract of the same reads as under:-

“Statement of Rajeev Pahwa s/o Shri Birbal Pahwa, r/o Mohalla Sachran Phagwara, District Kapurthala aged 58 years mobile No.9855296370. It is stated that I am resident of above mentioned address. That on intervening night dated 02/03-07-2019 at 01:50 Am I along with my family members were sleeping and smell of kerosene oil was coming from outside. I saw flames of fire outside and when me and my family members gushed out of the house, we saw Neeraj Sachdeva s/o Raj krishan Sachdeva r/o Mohalla sachra Phagwara who is our neighbor who, standing with the can of kerosene oil in his hand. He set ablaze our two wheelers in front of me bearing no. PB-09-AF-5556(Activa), PB-36-H-0537(Hero Maestro) and PB-09-P-7751. He fired our house as well. Resultantly we called fire brigade who took control over the fire timely but our scooty no. PB-09-AF-5556 and PB-36-H-0537 were badly damaged and burnt. He ran away from the spot along with his can. Neeraj Sachdeva even on earlier occasions had filed false case against us which after passing different enquiries have been filed. Due to this reason he maintains animosity with us. We have even called helpline no. 112. He even hurled bricks on us and was fighting whole afternoon. He inflicted injuries to self and admitted himself to hospital. Neeraj Sachdeva has ignited our house on fire and made an attempt to kill me and my family, burnt out vehicle and threatened us to eliminate from life.”

4. From the above statement, it transpired that the only



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allegation against the petitioner-Neeraj Sachdeva is that he had set ablaze two wheelers parked in the house of the complainant and also set ablaze some part of the house. It is a case where no one has suffered injuries and from the perusal of the FIR (supra), this Court can safely conclude that the ingredients of Section 307 IPC are completely absent.

5. 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 4.9.2023, upon the instant petition, directed the parties to appear before the learned 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.

6. Consequent to the making of the directions (supra), the parties appeared before the learned Sub Divisional Judicial Magistrate, Phagwara 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.1871 dated 18.10.2023 has been received from the learned Sub Divisional Judicial Magistrate, Phagwara, 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.

7. This Court have heard counsel for the parties and gone



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through the case file.

8. 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,



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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.”

9. In the light of the hereinabove recorded aspects and considering the fact that the offences, for which the petitioner(s)/accused have 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, others Vs. State of Punjab 2007 (3) RCR (Criminal) 1052***, the present petitions for quashing the FIR as well as G.D. (supra) are hereby allowed.

10. Resultantly, FIR No.0157 dated 3.7.2019, under Sections 307, 436, 427, 506 of the IPC, and cross case G.D. No.019 dated 4.7.2019 under Sections 452, 323, 148, 427 and 149 IPC, registered at P.S. City Phagwara and all other consequent proceedings arising therefrom, are, hereby, **quashed** on the basis of a compromise (Annexure P-2), subject to payment of ₹5,000/- in each petition to be deposited with the District Legal Services Authority concerned.

(KULDEEP TIWARI)
JUDGE

May 09, 2024
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No