

CRM-M-37525-2023

282 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-37525-2023 (O&M)

Date of Decision: 11.03.2024

SAURABH SHARMA

...Petitioner

V/S

UNION TERRITORY CHANDIGARH AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Mandeep Singh, Advocate for
Mr. Vishal Mittal, Advocate for the petitioner.

Mr. Sidakmeet Sandhu, Addl. PP UT Chandigarh.

Mr. Karanveer Dhaliwal, Advocate for
Ms. Shivani, Advocate for respondent No. 2.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 141 dated 07.08.2022 registered under Section 420 of Indian Penal Code and Section 24 of Immigration Act at Police Station Industrial Area Chandigarh District Chandigarh and all subsequent proceedings arising therefrom in view of the compromise dated 01.07.2023 (Annexure P-2).

2. The following order was passed on 02.08.2023:

“This petition is for quashing of FIR No.141 dated 07.08.2022 registered under Section 420 IPC and Section 24 of the Immigration Act, at Police Station Industrial Area Chandigarh, District Chandigarh, along with all the subsequent proceedings arising therefrom, on the basis of compromise dated 01.07.2023(Annexure P-2).

Learned counsel for the petitioner submits that with the intervention of the respectable persons of the area, the matter has been compromised between the parties and the amount has been returned by the petitioner to respondent No.2.

Notice of motion.

On the asking of this Court, Mr. Sidakmeet Sandhu,

Addl. PP UT Chandigarh, accepts notice on behalf of the respondent-State.

At this stage, Ms. Shivani, Advocate, appears and files power of attorney on behalf of respondent No. 2, and does not dispute the factum of the compromise. The power of attorney is taken on record.

The parties are directed to appear before the Illaqa Magistrate/trial Court on 23.08.2023 or any other date convenient to the concerned Court, for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

- 1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. If the compromise is genuine, voluntary and out of free will of the parties;*

Report of the Illaqa Magistrate/trial Court be awaited for 21.09.2023.”

3. In compliance of the aforesaid order, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.

4. In view of the compromise and the ratio of law laid down by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466, Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834 and Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63** and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052**, this petition is allowed and FIR No. 141 dated 07.08.2022

registered under Section 420 of Indian Penal Code and Section 24 of Immigration Act at Police Station Industrial Area Chandigarh District Chandigarh and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

11.03.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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