



CRM-M-60142-2024 (O&M)

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251 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-60142-2024 (O&M)

Date of Decision: 07.01.2025

VIKAS SETHI

...Petitioner

Versus

STATE OF U.T. CHANDIGARH AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Shubham Mirok, Advocate
for the petitioner.

Mr. Sarvjit, Addl. PP UT Chandigarh.

Mr. Bikramjit Singh, Advocate for respondent No. 2.

HARPREET SINGH BRAR J.(ORAL)

1. This second petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.366 dated 20.11.2020 under Sections 406, 420 of Indian Penal Code, 1860, registered at Police Station Sector 39, Chandigarh (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 17.03.2023 (Annexure P-2).

2. The following order was passed on 02.12.2024:

“Ms. Swati Batra, learned Deputy Advocate General, Punjab submits that State of Punjab has been impleaded as a party, however, the matter pertains to U.T.-Chandigarh.

Counsel appearing on behalf of U.T., Chandigarh does not refute the same.

Given above, in the array of party-respondent State of Punjab is substituted by State of U.T., Chandigarh. Registry to make necessary corrections.



Mr. Bikramjit Singh, Advocate has filed Vakalatnama on behalf of respondent No.2 in Court today which is taken on record.

The petitioner arraigned as accused in the FIR captioned below, has come up before this Court under Section 528 BNSS, 2023 to quash the FIR and all consequential proceedings based on the compromise amicably arrived at with the victim(s).

Notice served upon the official respondent(s) through State counsel. In case the State wants to file its response, they must do so positively before the next date. The counsel appearing for the private respondent(s) on instructions states that there is no objection if the FIR and all consequent proceedings mentioned in this petition are quashed.

Given above, the petitioner(s) and the private respondent(s), and all other victim(s), whose statements are not recorded, if not arraigned as respondents, to appear before the concerned Trial Court/Illaq Magistrate/Duty Magistrate on 16.12.2024, for getting their statements recorded with regard to the compromise arrived at between them. Before recording their statements, the Ld. Judge should ensure the following aspects and send the report, in the following format, preferably before the next date fixed in this court:

Name of the reporting Court	
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FIR No.	Dated	Police Station	Sections
366	20.11.2020	Sector-39, Chandigarh	406, 420 IPC

1.	Names of the complainant/victims(s)/ aggrieved persons (s)	
2.	Dates on which the statement(s) of the complainant/ victims(s)/ aggrieved persons(s) were recorded	
3.	Has the identity of the complainant/	Yes/No



	victims(s)/ aggrieved persons(s) been verified?	
4.	Whether all the victims/ all the aggrieved persons have compromised the matter?	Yes/No
5.	Is there pressure, threat, or coercion upon the victim(s)/aggrieved person(s)/complainant?	Yes/No
6.	Names of the accused person(s)	
7.	Dates on which the statement(s) of the accused persons(s) recorded	
8.	Whether all the accused have compromised the matter? If no, then the names of the accused who have compromised.	Yes/No
9.	Whether proclamation proceedings are pending against any accused?	Yes/No
10.	Has the police report been filed or not?	Yes/No
11.	Notice of accusation /Charges have been framed or not?	Yes/No
12.	Sections of statutes invoked in the matter	
13.	Sections of statutes invoked in the matter	Yes/No

There would be no need for a certified copy of this order, and any Advocate for the Petitioners/State can download this order and other particulars as may be required, from the official web page of this Court, and attest it to be a true copy. The concerned court can also verify its authenticity and may download and use the downloaded copy for immediate use, if required.

List on 07.01.2025.”

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.

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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.366 dated 20.11.2020 under Sections 406, 420 of Indian Penal Code, 1860, registered at Police Station Sector 39, Chandigarh (Annexure P-1) along with all subsequent proceedings arising therefrom are quashed, qua the petitioner.

(HARPREET SINGH BRAR)
JUDGE

07.01.2025*Ajay Goswami*

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>