

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-10113-2015 (O & M)
Date of decision:30.11.2015

Balram

...Petitioner(s)

Versus

State of Haryana and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Tushar Thakur, Advocate,
for Mr. Jasbir Mor, Advocate,
for the petitioner(s).

Mr. Sushil Gautam, DAG, Haryana.

Rajan Gupta, J. (oral)

Petitioner have filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.116 dated 01.05.2008 registered under Sections 498-A/406 IPC at Police Station Bahadurgarh, District Jhajjar, Haryana, on the basis of compromise.

Learned counsel for the petitioner submits that a compromise has been arrived at between the parties and dispute has been amicably settled. Relying upon the judgment reported as ***Kulwinder Singh and others vs. State of Punjab, 2007(3) RCR (Crl.) 1052***, learned counsel submits that in view of compromise, the impugned FIR deserves to be quashed.

Learned State counsel does not dispute the ratio of judgment in *Kulwinder Singh's case (supra)* and submits that in case a compromise is arrived at between the parties, the State would not stand in the way of quashing of FIR.

Heard.

It appears that on October 01, 2015, a direction was issued by this court to record the statements of the parties with regard to validity or otherwise of the compromise. A report has been received from the trial court. Operative part thereof reads thus:-

“On the aforementioned subject, I have the honour to submit that vide order dated 1.10.2015 passed in CrM.M-10113-2015, the undersigned being the trial court in case FIR no.116 dated 1.5.2008 under section 498-A/406 IPC, PS Bahadurgarh, Distt. Jhajjar was asked to record the statement of the parties and submit the record regarding the compromise between the parties whether the same is voluntarily or not and whether any P.O. proceedings are pending against the accused and number of persons arrayed as an accused in the FIR. After recording the statement of parties and they have also deposited amount of ₹20,000/- as the costs of proceedings in the Sub Divisional Legal Services Committee, Bahadurgarh. I have prepared the report as desired by the Hon'ble Punjab & Haryana High Court which is being submitted along with the statements of the parties recorded in the court.”

Compromise is in the interest of the parties and after the matter has been resolved by an amicable settlement, no useful purpose is likely to be served by continuance of the criminal proceedings. In view of the above, the present FIR and the subsequent proceedings arising therefrom deserve to be quashed in light of Full Bench judgment of this court in *Kulwinder Singh's case (supra)*.

Resultantly, the present petition is allowed. The FIR in question and the subsequent proceedings arising therefrom are quashed.

Amount of ₹20,000/- deposited as costs with the Legal Services Committee, Bahadurgarh, shall be retained by the said authority.

30.11.2015
sukhpreet

(RAJAN GUPTA)
JUDGE