

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M- 10362 of 2015

Date of Decision: October 08, 2015

Rahul and another

....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. Sandeep Arora, Advocate
for the petitioners.

Ms.Rajni Gupta, Addl.A.G, Punjab

Mr.C.L.Verma, Advocate
for respondent No.2.

Rajan Gupta, J (Oral)

Petitioners have filed this petition under Section 482 Cr.P.C seeking quashing of F.I.R No. 53 dated 1.5.2013 registered under Sections 452, 323, 506, 148, 149 IPC at Police Station, Khamano, District Fatehgarh Sahib and all the subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the parties submit that during the pendency of this petition 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 submit that in view of compromise, the impugned F.I.R deserves to be quashed.

Learned State counsel does not dispute the ratio of judgment

in **Kulwinder Singh's** case supra and submit that in case a compromise is arrived at between the parties the State shall not stand in the way of quashing of F.I.R.

Heard

It appears that on 12.5.2015, 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:-

“With reference to the order dated 12.5.15 passed by the Hon'ble High Court in CRM-M-10362 of 2015 titled as Rahul and another Vs. State of Punjab (now pending for 24.7.2015 before the Hon'ble High Court), I have the honour to submit that in compliance with the directions so issued by the Hon'ble High Court, the parties i.e the complainant Sandeep Kumar and the accused namely Sahil Kumar and Rahul Kumar appeared before the undersigned on 21.5.2015. Statements of complainant and of the accused were recorded by me after satisfying myself that they were not under any sort of pressure and were willing to suffer a statement regarding the compromise without any undue influence of coercion from any quarter. As per the statements of the parties, the compromise so entered into is for the benefit and welfare of both the parties whereby they have resolved to reside peacefully in future.

From the statements of the complainant and accused so recorded by me, the compromise arrived at between the parties apparently appears to be a genuine compromise and is the voluntary act of the parties without there being any sort of pressure or coercion from any corner.

The report with regard to compromise on the basis of statements of the parties (alongwith statements of the parties) as directed by the Hon'ble High Court is being submitted accordingly for your kind perusal.”

The 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 above, the present FIR and the consequent 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 F.I.R in question and the subsequent proceedings arising therefrom are quashed.

(Rajan Gupta)
Judge

October 08, 2015
BB