

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-13689 of 2015

Date of Decision: 02.11.2015

Harmandeep Singh

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Rajan Gupta.

Present: Mr. Sahil Abhi, Advocate
for the petitioner(s).

Mr. R.S.Randhawa, Additional Advocate
General, Punjab for respondents No.1 & 2.

Mr. Chandan Deep Singh, Advocate
for respondent No.3.

Rajan Gupta, J.

Petitioner has filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No. 59 dated 4.6.2013, registered under Sections 406 & 498-A IPC at Police Station Women Cell, Ludhiana City, on the basis of compromise.

Learned counsel for the parties submit 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 submit 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 vide order dated 6.8.2015, a direction was issued by this court to record the statements of the parties with regard to validity or otherwise of the compromise. Pursuant to the said order, a report has been received from the trial court. Operative part thereof reads thus:-

"Most humbly, I have the honour to submit that statement of complainant Neha was recorded on 29.9.2015 wherein she has stated that she has got registered the present case bearing no. 59 dated 4.6.2013, u/s 406, 498-A IPC at PS Women Cell, Ludhiana against Harmandeep Singh. During the proceedings they have got compromised the matter between them through a written compromise which is Ex.C1 on which she has seen her signatures on original compromise and she identified the same. She has compromised the matter without any pressure and with her free own will. In view of the compromise the petition u/s 482 Cr.P.C. for quashing the above said FIR has been filed before the Hon'ble Punjab and Haryana High Court which is pending for 2.11.2015. She has no objection if the above

said FIR is quashed by the Hon'ble Punjab and Haryana High Court, Chandigarh against the accused. She do not want to proceed further in this FIR. The complainant/respondent no.3 has been duly identified by Sh. P.S.Kainth, advocate. On the other hand, statement of petitioner/accused has been recorded on 29.9.2015 wherein he has stated that complaint has got registered the present case bearing FIR no. 59 dated 4.6.2013, u/s 406, 498-A IPC, at PS Women Cell, Ludhiana against him. During the proceedings they have got compromised the matter between us through a written compromise which is Ex.C1 on which he have seen him signatures on original compromise and he identified the same. In view of the compromise, the petition u/s 482 Cr.P.C. for quashing the above said FIR has bee filed before the Hon'ble Punjab and Haryana High Court which is pending for 2.11.2015. Kindly above said FIR be quashed against me. The petitioner/accused has been identified by Sh. P.S.Kainth, advocate.

In view of the aforesaid statements of the parties, compromise has been effected between the parties. Copies of statements of complainant (Respondent No.3) and accused (Petitioners) recorded by this Court, are sent herewith for kind perusal."

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.

(Rajan Gupta)
Judge

November 2, 2015

"DK"