

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.

CRM-M-14347-2015

Date of decision: 28.7.2015

Chander Arora and another

...Petitioners

Versus

Union Territory, Chandigarh & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sandeep Kotla, Advocate for the petitioners.
Ms. Ashima Mor, Advocate for U.T. Chandigarh.
Mr. Arun Nehra, Advocate for respondent No.2.

Rajan Gupta, J. (oral)

Petitioners have filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.445 dated 3.9.2012, registered under sections 406, 498-A read with Section 34 IPC at Police Station Sector 34, Chandigarh, 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 while issuing notice of motion 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:-

“It is certified that both the parties i.e. complainant Smt. Rama Arora and accused Raj Kumar have suffered their statements in the court voluntarily, without any coercion or pressure and their statements are genuine. There is no ambiguity in their said statements. True copy of statements of parties is sent enclosed herewith. But it is pertinent to mention here that the statement of accused Smt. Chander Arora, mother of accused Raj Kumar could not be recorded.

It is further respectfully submitted that the present petition has been filed on behalf of all accused i.e. Raj Kumar Arora and Smt. Chander Arora and no accused has been declared a proclaimed offender in this case. Hence my report.”

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

28.7.2015
'Rajpal'