

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-14927 of 2014 (O&M)
Date of decision: 29.5.2015

Amit Kumar Magoo & Anr.

...Petitioners

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. M.S. Sachdev, Advocate for the petitioners.
Ms. Rajni Gupta, Addl. Advocate General, Punjab.
Mr. Anterpreet Singh, Advocate for respondents No.2 & 3.

Rajan Gupta, J. (oral)

Petitioners have filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.91 dated 18.04.2009, registered under sections 498-A, 324/34 IPC (Sections 406/452 IPC added lateron) at Police Station Division No.8, Jalandhar, 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 December 11, 2014, passed by a coordinate bench (Ajay Tewari, J.), a direction was issued 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:-

“After going through the statements made by complainant Narinder Kumar Sharma as well as by his daughter Madhuri and by accused persons Amit Kumar Magoo and Harish Chander in the Court, I am of view that the said statements are genuine and voluntary and are not result of any pressure and coercion and even the compromise between the parties is also genuine and valid and it is effected voluntarily without any pressure, coercion, inducement or undue influence from any quarter.

Further as per the report of the Ahlmad and statements of parties, no P.O. proceedings are pending against any of the parties and even no any other case is pending between the parties in this 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.

(RAJAN GUPTA)
JUDGE

29.5.2015
'Rajpal'