

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

CRM-M- 16856 of 2015

Date of Decision: September 03, 2015

Amit Rao

....Petitioner

Versus

State of UT and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. Ramesh Kumar Bamal, Advocate
for the petitioner.

Ms.Ashima Mor, Advocate
for U.T.Administration.

Rajan Gupta, J (Oral)

Petitioner has filed this petition under Section 482 Cr.P.C seeking quashing of F.I.R No. 26 dated 13.1.2014 registered under Section 498-A IPC at Police Station, Sector 34, Chandigarh 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 (CrI.) 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 21.5.2015, 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:-

“Queries were also put to the parties regarding the genuineness of the compromise dated 25.3.2015 produced before the court as Ex.PP2, during the proceedings. During query, parties have replied that the compromise has been entered into with their free will without any threat, coercion or undue influence from any corner, which is proper and genuine.

It is further submitted that in order to clarify the fact regarding the other information sought by the Hon'ble High Court, a notice was issued to both the Ist and IInd IO of the case. However, none of the IO could be served as SI Harbhajan Singh was on leave from 24.4.2015 to 26.6.2015 and SI Sunita Bakshi was out of station, as per the report on summon. Under these circumstances, the undersigned has himself perused the case file, which shows that the present case FIR was lodged by the police only against present accused namely Amit Rao. Moreover, the final report submitted by the police also shows that the present case was registered only against accused Amit Rao, who was arrested during the course of investigation and ultimately the final report was submitted. So it is made out that no accused is proclaimed offender in this case. Report is hereby submitted accordingly.”

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

September 03, 2015
BB