

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

CRM-M- 16895 of 2015

Date of Decision: August 25, 2015

Sushil Kumar and others

....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. R.S.Mamli, Advocate
for the petitioners.

Mr.Vishal Kashyap, AAG, Haryana.

Rajan Gupta, J (Oral)

Petitioners have filed this petition under Section 482 Cr.P.C seeking quashing of F.I.R No. 258 dated 7.12.2011 registered under Sections 323, 506, 148, 149 IPC at Police Station, Kurukshetra University, District Kurukshetra 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:-

“Copy of order dated 21.5.2015 from the Hon'ble High Court received, wherein the parties were directed to appear before the trial court, Kurukshetra for recording their respective statements with regard to compromise/settlement on 20.7.2015. It was directed that the report be sent on or before the next date of hearing i.e 17.8.2015. Accordingly, complainants as well as accused appeared before the court. Further, complainant Sudhir Kumar suffered a statement that they have compromised the matter with the accused. Accused is his real brother. Now they have no grudge. He has no objection, if the FIR be quashed. He has no pressure for giving the statement. He is making statement at his own will without any undue influence or pressure. Further, Suresh Kumar also suffered a statement that accused is his real brother. They have compromised the matter. He has no objection, if the FIR be quashed. He is not under pressure for making statement. He has given his statement at his own will without any pressure. Now there is no grudge between them.

It is pertinent to mention here that FIR was lodged against five persons namely Sushil Kumar son of Babu Ram, Ram Lal son of Bishan Lal, Rahul son of Hukam Chand, Siri Ran son of

Sher Singh and Sher Singh son of Kala Singh. Thereafter, on 16.2.2012 charge was framed against all accused. None of the accused has been declared proclaimed offender.

Further, the perusal of the statement shows that the compromise is genuine, voluntary and without any coercion or undue influence.”

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

August 25, 2015
BB