

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M- 17408 of 2015

Date of Decision: August 25, 2015

Rajesh Kumar and others

....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. Navneet Singh, 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. 185 dated 9.7.2013 registered under Sections 498-A, 506, 34 IPC at Police Station, Rajendera Park Gurgaon, District Gurgaon 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 (Cr1.) 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 25.5.2015, 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:-

“It is humbly submitted that statements of the complainant Manisha and that of the accused Rajesh, Mukesh & Mahendro Devi were recorded in the court on 1.7.2015. It is submitted that the order in her statement the complainant Manisha stated that a compromise has been effected in the matter with the accused and that she has no objection in quashing the FIR No.185 dated 9.7.2013 under Sections 498-A, 506, 34 IPC, P.S.Rajendera Park, Gurgaon. The accused Rajesh, Mukesh & Mahendro Devi have also stated that the matter has been compromised with the complainant voluntarily. Both the accused & the complainant submitted that the compromise has been entered into voluntarily, without any fear, coercion or pressure. It has also been submitted by both the parties that divorce by mutual consent has already been effected between the complainant Manisha and accused Rajesh. The challan was filed against three accused namely Rajesh, Mahendro Devi and Mukesh. None of the accused has been declared a proclaimed offender in the present case.”

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