IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CRM-M-18097-2015
Date of decision: September 28, 2015

Brij Mohan & others ...Petitioners

Versus

State of Haryana & another ...Respondents

CORAM: **HON'BLE MR. JUSTICE RAJAN GUPTA**

Present: Mr. H.S. Saini, Advocate for the petitioners.
Dr. Sushil Gautam, DAG, Haryana.

Rajan Gupta, J.(oral)

Petitioner has filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.185 dated 22.07.2011, registered under sections 323, 406, 498-A, 506, 120-B IPC at Police Station Sector 5, Panchkula, 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.

RAJ PAL SINGH
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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:-

> "AS per the order dated 29.05.2015 of the Hon'ble High Court, on 02.07.2015, the accused Brij Mohan, Gurmail Singh and Vijay Laxmi and the complainant Kamaljeet Kaur were present before me and their statements have been recorded. From the statement of the parties, it is very much clear that the parties have compromised the matter voluntarily, genuinely, out of their free will and without any pressure. Hence, the report. The statement of the parties are, hereby, submitted for Your Honour's kind perusal and for onward transmission to the Hon'ble High Court for necessary action, please. Certified copies of the statements and copy of the order of this court are duly attached herewith."

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

September 28, 2015
'Rajpal'

RAJ PAL SINGH
2015.09.30 14:24
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