

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-26023-2015 (O & M)
Date of decision:02.12.2015

Pawan Kumar ...Petitioner(s)

Versus

State of Haryana and anr. ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Ram Krishan, Advocate,
for Mr. Deepender Singh, Advocate,
for the petitioner(s).

Mr. Gaurav Dhir, DAG, Haryana.

Rajan Gupta, J. (oral)

Petitioners have filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.234 dated 28.04.2012 registered under Sections 498-A, 406, 506 and 323 IPC at Police Station Ballabgarh City, Distt. Faridabad, on the basis of compromise.

Learned counsel for the petitioner submits 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 submits 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 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:-

“On receipt of copy of order dated 6.8.2015 passed by the Hon'ble Punjab and Haryana High Court, Chandigarh in criminal misc. no.26023 of 2015 titled as “Pawan Kumar versus State of Haryana and others” the complainant Smt. Nisha Sharma and accused Pawan Kumar appeared on 27.08.2015 and stated that the matter has been compromised between them. Their statements recorded separately.

The Hon'ble High Court has sought information about three things from the court of undersigned.

*1. Number of persons arrayed as accused in FIR:-
On perusal of the FIR No.234 dated 28.4.2012 under Sections 498-A, 406, 323 and 506 IPC PS City B.garh District Faridabad, it is perused that there was only one accused namely Pawan Kumar in the present FIR.*

*2. Whether any accused is proclaimed offender.
Accused Pawan never declared as proclaimed offender in the present FIR.”*

3. Whether the compromise is genuine, voluntary to and without any coercion or undue influence.

After hearing both the parties and perusing their statements, I am satisfied that the compromise between them is genuine, voluntary and without any coercion or undue influence. Their statements are enclosed 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.

02.12.2015
sukhpreet

(RAJAN GUPTA)
JUDGE