

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-26759-2014 (O & M)
Date of decision:21.07.2015

Sushil Kumar and ors.

...Petitioner(s)

Versus

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Ms. Shivya Sehgal, Advocate,
for the petitioner(s).

Mr. Ankur Jain, AAG, Punjab.

None for respondent No.2.

Rajan Gupta, J. (oral)

Petitioners have filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.59 dated 06.06.2014 registered under Sections 406 and 498-A IPC at Police Station Women, Ludhiana, on the basis of compromise.

Learned counsel for petitioners 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 (CrI.) 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:-

"I have the honour to submit that statement of complainant Jyoti, accused Sushil Kumar, Radhe Krishan, Smt. Prem Piari appeared before this court on 23.3.2015 got recorded their joint statements. The statements of parties have been duly counter signed by their counsel. The affirmation as coming in the statements of parties show voluntary nature of their statements suffered. I have also inquired from the parties they say that the compromise has been effected voluntarily without any pressure and coercion. Copies of statements are sent herewith for kind perusal."

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.

21.07.2015
sukhpreet

(RAJAN GUPTA)
JUDGE