

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-28628-2014 (O & M)
Date of decision:05.05.2015

Victor Massy and ors.

...Petitioner(s)

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Ritesh Pandey, Advocate,
for the petitioners.

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.16 dated 16.02.2012 registered under Sections 498-A/406 IPC at Police Station Kahnuwan, Tehsil and Distt. Gurdaspur 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:-

“In compliance to the above said order, statement of complainant Parkashna wife of Victor Massy d/o Lal Chand r/o village Kahnawan, at present r/o Anukur Society, Vicroli Parke Site, Vicroli, West Mumbai has been recorded, wherein complainant stated that the matter has been compromised between here and accused Victor Massy, Shifa beg and Meena with the intervention of respectables of area and relatives, which is with free consent and without any pressure from any corner and no other case is pending between the parties. So, she does not want to prosecute her case against the accused and have no objection of quashing of instant FIR. Statements of accused Victor Massy, Shifa Beg and Meena also recorded to this effect. The compromise arrived at between parties seems to be with free consent and without any pressure from any corner. Further, as per report under Section 173 Cr.P.C. pending before the undersigned, only three accused namely Victor Massy, Shifa Beg and Meena are involved in the FIR and they are not proclaimed offender in this case” .

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.

05.05.2015
sukhpreet

(RAJAN GUPTA)
JUDGE