

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM M-3147 of 2015

Date of decision : 24.08.2015

Balwinder & anr.

....Petitioners

V/s

State of Punjab & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. K.S. Sidhu, Advocate for
Mr. Naveen Sharma, Advocate for the petitioners.

Mr. Ankur Jain, AAG Punjab.

RAJAN GUPTA J.

Petitioners have filed this petition under section 482 Cr.P.C. seeking quashing of FIR No. 173 dated 23.12.2013 registered under sections 498A/406 IPC at police station Payal, District Khanna and all the subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioners submits 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 (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.

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:-

"The statements of complainant Harpreet Kaur as well as of accused persons namely Balwinder Singh and Baljit Kaur have been recorded separately before the Court. As per statement of complainant, the compromise has been effected without any coercion or undue influence and the same is voluntarily and same is genuine one. The terms of compromise have been written in the shape of Panchayati Compromise dated 03.01.2015 and copy of the above said panchayati compromise has been produced, which has been marked as Ex. C1. Statements of accused persons namely Balwinder Singh and baljit Kaur have also been recorded with regard to compromise separately before the Court. From the statements of complainant and the accused persons, it clearly stands established that the compromise has been arrived at between the parties voluntarily without having any threat or coercion and the same one is genuine one. "

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, 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, present petition is allowed. FIR in question and the subsequent proceedings arising therefrom are quashed.

Ajay

JUDGE