

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

CRM M-31582 of 2015

Date of decision : 26.11.2015

Naveen Maolhotra & anr.

....Petitioners

V/s

State of Haryana & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Akashdeep Singh, Advocate for the petitioners.

Mr. Gaurav Dhir, DAG Haryana.

Mr. Ashwani Talwar, Advocate for respondent no. 2.

RAJAN GUPTA J.

Petitioners have filed this petition under section 482 Cr.P.C. seeking quashing of FIR No. 223 dated 04.04.2012 registered under sections 323, 406, 498-A, 506 & 34 IPC at police station Karnal Civil Lines, District Karnal and all the subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the parties submit 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:-

"In reference to order abovesaid, on the subject cited above, I have the honour to submit that today on 16.11.2015, the complainant Batika and accused Naveen Malhotra & Neelam Malhotra have appeared in the court in compliance of the abovesaid order. It is submitted that statement of complainant Batika and the accused Naveen Malhotra and Neelam Malhotra have been recorded wherein they have voluntarily stated that they had compromised the matter. It is submitted that the complainant and the accused were specifically asked as to whether they had entered into the compromise voluntarily or not to which they replied in affirmative. It is further submitted that they have voluntarily compromised the matter. Copies of the statements of the parties are enclosed herewith for kind perusal and necessary action."

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

November 26, 2015

Ajay

(RAJAN GUPTA)
JUDGE