

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-3923-2015 (O & M)

Date of decision:22.07.2015

Meenakshi and ors.

...Petitioner(s)

Versus

State of U.T., Chandigarh and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Manvinder Dalal, Advocate,
for Mr. Siddharth Gulati, Advocate,
for the petitioners.

Mr. G.S. Chahal, APP, for U.T., Chd.

Rajan Gupta, J. (oral)

Petitioners have filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.137 dated 22.04.2010 registered under Sections 323/506/451 and 34 IPC and Section 452 IPC (added later on) at Police Station Sector 34, Chandigarh, 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 (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:-

“Complainants suffered statement that the matter has been compromised with the accused persons vide compromise deed dated 17.08.2014 Ex.A-1, without any inducement, threat, promise or coercion from any quarter and they have no objection if the present FIR No.137 dated 22.04.2010 registered under Sections 323/506/451 and 34 IPC at Police Station Sector 34, Chandigarh and subsequent proceedings arising out of the same FIR, may be quashed. Accused person also got recorded his similar statement. In the opinion of the Court, a valid and genuine compromise has been effected between the complainants and accused in this case. Accordingly, the compliance report is sent herewith for your kind perusal please alongwith copies of statements of the parties and compromise deed Ex.A-1.”

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)*.

However, FIR was registered way back in the year 2010.

Thereafter, investigating machinery was set into motion. Considerable court time was also consumed. In view of same, costs of proceedings need to be imposed. Under the circumstances, an amount of ₹ 20,000/- as costs shall be deposited by the petitioners with the U.T. Legal Services Authority within a month of receipt of certified copy of this order. Costs shall be shared equally by the accused and the complainant.

Resultantly, the present petition is allowed. The FIR in question and the subsequent proceedings arising therefrom are quashed subject to payment of costs as above.

22.07.2015
sukhpreet

(RAJAN GUPTA)
JUDGE