

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

CRM-M-5366 of 2015

Date of Decision: August 11, 2015

Vikas Kapoor

....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. Piyush Sharma, Advocate
for the petitioner.

Mr.Ankur Jain, AAG, Pb.

Rajan Gupta, J (Oral)

Petitioner has filed this petition under Section 482 Cr.P.C seeking quashing of F.I.R No. 60 dated 10.3.2012 registered under Sections 498-A, 406 IPC at Police Station, City Ferozepur, District, Ferozepur 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 (CrI.) 1052**, learned counsel submit that in view of compromise, the impugned F.I.R deserves to be quashed.

Learned State counsel does not dispute the ratio of judgment in **Kulwinder Singh's** case supra and submit that in case a compromise is arrived at between the parties the State shall not stand in the way of quashing of F.I.R.

Heard

It appears that on 15.3.2015, 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 view of the directions issued by the Hon'ble High Court, I have recorded the statements of complainant Princi Bala and accused Vikas Kapoor. Statement of the complainant and accused was countersigned by their respective counsels. The complainant Princi Bala and the accused Vikas Kapoor in their respective statements stated that the compromise have been effected between them voluntarily, without any coercion, inducement & pressure of any person. Both the parties stated in their statement that as per compromise they agreed to dissolve the ties of marriage. The complainant Princi Bala have admitted the factum of receiving of Rs.5,35,000/- from accused Vikas Kapoor as per permanent alimony. She specifically stated that as per compromise it is agreed that the custody of the child will remain with her. I have verified the factum of execution of compromise from the parties present in the court. The complainant and the accused have admitted the execution of compromise between them. From the statements of the parties it seems that the compromise has been effected between the parties with their free volition and without any coercion and undue influence of any person and in pursuance of compromise, the parties have suffered their respective statements.”

The 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 F.I.R in question and the subsequent proceedings arising therefrom are quashed.

(Rajan Gupta)
Judge

August 11, 2015
BB