

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

CRM M-16533 of 2015

Date of decision : 08.04.2016

Akash Sharma & anr.

....Petitioners

V/s

The State of Haryana & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Rahul Vats, Advocate for the petitioners.

Mr. Chetan Sharma, AAG Haryana.

Mr. Gautam Kaile, Advocate for respondent no. 2.

RAJAN GUPTA J.

Petitioners have filed this petition under section 482 Cr.P.C. seeking quashing of FIR No. 437 dated 26.10.2012 registered under sections 406, 506 & 34 IPC at police station Central Faridabad, 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:-

- "3. In compliance of said orders, complainant Sumit Gaur appeared and stated that on 26.10.2012 he lodged a complaint with the SHO Police Station Central, on the basis of which the above noted case was registered against accused Akash Sharma and Manoj Sharma (who are present in the court). However, the said matter has been compromised. He further stated that the compromise has taken place voluntarily without any fear or undue pressure. He further stated that he does not want any action on his complaint against accused Akash Sharma and Manoj Sharma and he has no objection if the FIR is quashed.*
- 4. Accused Akash Sharma and Manoj Sharma have also has also admitted the factum of compromise and prayed for quashing of FIR.*
- 5. I have also inquired from the parties, especially from complainant Sumit Gaur about the compromise and satisfied that the compromise has been taken place voluntarily.*
- 6. So, in the view of the aforesaid facts, I am of the considered view that the compromise effected between the parties is without any threat or pressure from either of the sides and is a valid compromise."*

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.

April 08, 2016

Ajay

(RAJAN GUPTA)
JUDGE