

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

CRM M-24398 of 2015

Date of decision : 12.05.2016

Achraj & anr.

....Petitioners

V/s

State of Haryana & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Munish Mittal, Advocate for the petitioners.

Mr. Arun Luthra, AAG Haryana.

Mr. Chiraj Kundu, Advocate for respondent no. 2.

RAJAN GUPTA J.

Petitioners have filed this petition under section 482 Cr.P.C. seeking quashing of FIR No. 444 dated 26.05.2012 registered under sections 195-A, 323, 506, 34 IPC at police station Chandani Bagh, District Panipat 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 on 04.03.2016 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:-

"2. In pursuance of the same, the parties appeared in person alongwith their counsels before the undersigned on 21.03.2016 and thereafter, the parties were questioned generally so as to determine their voluntariness and free will for getting their statements recorded. Thereafter, on being satisfied that the parties are willing to get their statements recorded voluntarily and with their free will and consent and without any coercion or pressure of any kind, the identified statements of both the parties i.e. the complainant namely Hawa Singh, on one hand and the accused namely Achraj and Anudeep on the other hand were recorded by the undersigned. The above named persons submitted before the undersigned that they have compromised the matter in dispute. They further submitted that the said compromise has been arrived at without any pressure or coercion from any side and the said compromise has been entered into between the parties with their own free will and consent. It has been further submitted by them that there are only two accused in the present case namely Achraj and Anudeep both sons of Jagmal and they have never jumped bail in the present case and none of them have been declared a proclaimed offender.

3. The statements of the parties dated 21.03.2016 in original are hereby forwarded to your honour for your kind perusal. It is also pertinent here to mention that there are only two accused in the present case namely Achraj s/o Jagmal and Anudeep s/o Jagmal and none of them has been declared a proclaimed offender. It is

also pertinent here to mention that the compromise entered into between the present parties appears to be genuine and entered into with their free will and consent and without any coercion or undue influence of any kind.”

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.

May 12, 2016

Ajay

(RAJAN GUPTA)
JUDGE