

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH.

CRM-M-28263 of 2014

Date of Decision: April 08, 2016.

Nitin Modi and others

....Petitioners

Versus

U.T., Chandigarh and another

.....Respondents

**CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA**

Present: Mr. S.K.Hooda, Advocate, for the petitioners.

Ms.Ashima Mor, Advocate, for U.T., Chandigarh.

**Rajan Gupta, J (Oral)**

Petitioners have filed this petition under Section 482 Cr.P.C seeking quashing of F.I.R No. 172 dated 27.4.2014 registered under Sections 147, 148, 149, 188, 323, 342, 506 IPC and 25/54/59 of Arms Act at Police Station, Sector 39, Chandigarh 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 25.3.2015, 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:-

“With reference to subject noted above, it is submitted that vide order dated 25.3.2015 passed by Hon'ble High Court in the aforesaid case, the report of this court was called to the effect whether the compromise, which has been arrived at between the parties, is volunteer and to record statements of the affected parties. In compliance of said order, the parties appeared before the undersigned on 10.7.2015. The statements of complainant Manoj Pathak; accused Birender Singh; Raju and Nitin Modi recorded. After going through statements made by said persons, this court is of the opinion that the parties have settled the matter voluntarily, without any pressure/coercion from any quarter.

Photocopies of statements of complainant Manoj Pathak; accused Birender Singh; Raju and Nitin Modi and compromise deed Ex.C-1 arrived at between the parties are attached with this report. This is for your information and necessary action please.”

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**

April 08, 2016.  
BB