

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

Crl. Misc. No.M-32453 of 2015
Date of Decision: 22.04.2016

Vikas

....Petitioner

Versus

State of Haryana and another

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. B.S. Virk, D.A.G., Haryana
for the respondent-State.

Mr. B.K. Chaudhary, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.209 dated 15.03.2014 registered under Sections 294/323/341/354/506/509 IPC at Police Station Sadar Karnal. The offence under Sections 294 and 341 IPC were deleted at the time of framing of charge.

Learned counsel for the petitioner submits that the FIR, in question, was registered on the basis of statement made by respondent No.2 and even the charges were also framed on 08.06.2015 but due to intervention of *panchayat*, the matter was settled between the parties and the compromise arrived at between the parties was reduced into writing. Learned counsel submits that the criminal proceedings can be quashed even in cases of non-compoundable offences. To support his contention, he has also relied upon the judgment of Full Bench in case

Kulwinder Singh vs State of Punjab 2007(3) RCR Criminal 1052.

Notice of motion in the case was issued on 22.09.2015. Thereafter, vide Order dated 18.12.2015, the directions were issued to the parties to appear before the Illaqa Magistrate/trial Court for recording of their statements with regard to compromise.

As per directions issued by this Court on 18.12.2015, the statements of the parties were recorded before the trial Court, wherein, the factum of compromise has been affirmed. After recording the statements of the parties, a report has also been sent by District and Sessions Judge, Karnal, which is on record. Complainant-respondent No.2-Priyanka has specifically stated in her statement that the compromise is without any fear and pressure from either side and is as per her free will. It has also been stated in her statement that she does not want to pursue the criminal proceedings and has no objection in quashing of FIR as well as other proceedings arising therefrom.

A larger Bench of this Court in ***Kulwinder Singh's*** case (supra) has also observed that the proceedings can be quashed even in case of non-compoundable offences, in case, the compromise is there between the parties.

Since the dispute between the parties has been settled by way of compromise and the complainant-respondent No.2 has no objection in quashing of FIR and other proceedings arising therefrom and moreover, no purpose would be served, in case, the proceedings are allowed to be continued, the ultimate result would be acquittal as the complainant is not going to support the case of the prosecution. The continuation of the proceedings would be an exercise in futility and will not only be the wastage of valuable time of the Court but it would also not be in the interest of both the parties as the compromise has been effected between the parties

with their free will and without any pressure.

Accordingly, the present petition is allowed and FIR No.209 dated 15.03.2014 registered under Sections 294/323/341/354/506/509 IPC (in which, Sections 294/341 IPC were deleted at the time of framing of charge) at Police Station Sadar, Karnal and charge sheet dated 08.06.2015 along with all consequential proceedings arising therefrom, qua petitioner Vikas are hereby quashed.

22.04.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE