

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M- 38386 of 2015

Date of Decision: June 03, 2016.

Kuldeep Kumar and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. Shivoy Dhir, Advocate
for the petitioners.

Ms.Rajni Gupta, Addl.A.G, Punjab

Rajan Gupta, J (Oral)

Petitioners have filed this petition under Section 482 Cr.P.C seeking quashing of F.I.R No.30 dated 23.2.2012 registered under Sections 323, 324, 506/34 IPC at Police Station, Kharar, District, Mohali 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 (Cr1.) 1052**, learned counsel submit that in view of compromise, the impugned F.I.R deserves to be quashed.

Learned State counsel submits that it investigated the matter and submitted a cancellation report. However, same was not accepted by the trial court. She, however, 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 25.2.2016, 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:-

“With reference to the subject cited above, I have the honour to submit that in compliance with orders dated 25.2.2016 passed by Hon'ble Punjab and Haryana High Court, Chandigarh in CRM-M-38386 of 2016, complainant Sonika Verma W/o Sh.Kuldeep Kumar, Asha Rani W/o Sh.Ashok Kumar and Rajni W/o Ashu and accused Kuldeep Kumar son of Late Shiv Kumar, Bhagwanti wife of Shiv Kumar, Munish Kumar son of Late Sh.Shiv Kumar & Ashu Kumari W/o Munish Kumar appeared before this court on 10.3.2016 for getting their statements recorded in support of the compromise. In this connection, statements of complainants Sonika Verma, Asha Rani and Rajni have been recorded whereby they have stated that they have arrived at a compromise in the present case with the accused Kuldeep Kumar, Bhagwanti, Munish Kumar and Ashu Kumari out of their free will, without any coercion, inducement, threat or pressure from any corner and they have no objection if the present case FIR is quashed against the accused. Similarly, the accused Sonika Verma, Asha Rani, Rajni have made a statement that they have arrived at a compromise in the present case FIR with the complainant and have not exerted any coercion,

inducement threat or pressure.

The undersigned has carefully gone through the statements got recorded by the complainant and the accused. Ex-facie, it transpires from the statements of the parties that they have arrived at compromise voluntarily, without any pressure, coercion or undue influence from any quarter. Hence this report photocopies of the statement is enclosed herewith for kind perusal.”

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

June 03, 2016.

BB