

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M- 40462 of 2015

Date of Decision: May 23, 2016.

Ashwani Kumar Kanda

....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. Rajiv Joshi, Advocate
for the petitioner.

Mr.Ankur Jain, AAG, Punjab

Rajan Gupta, J (Oral)

Petitioner has filed this petition under Section 482 Cr.P.C seeking quashing of F.I.R No. 37 dated 29.3.2014 registered under Sections 323, 324, 506 IPC at Police Station, Goraya District, Jalandhar 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 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 1.12.2015, 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:-

“Complainant Mukesh suffered a statement that he is complainant in the present case. He has compromised with accused Ashwani Kumar. He stated that he has seen the original compromise dated 8.6.2015. The copy of compromise is Mark A. The compromise is voluntarily and out of free will and pressure of any kind. He has made the statement without any fear and pressure. All the claims between accused Ashwani Kumar and him have been settled and nothing is left between him and accused Ashwani Kumar. He stated that he has no objection if the present FIR is quashed. He produced copy of his driving licence Ex.C1.

Accused Ashwani Kumar also suffered a statement that he is accused in the present case. He has compromised with complainant. The compromise is voluntarily and out of free will and pressure of any kind. He stated that he has made statement without any fear and pressure. All the claims between complainant and accused. He stated that he has no objection if the present FIR quashed. The accused is not declared PO in the present case.

In view of the statements recorded by the parties this court is of the view that the compromise between the parties is voluntary and

genuine and without any pressure.”

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

May 23, 2016.
BB