

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

Crl. Misc. No.M-42490 of 2015

Date of Decision: 22.01.2016

Surender

....Petitioner

Versus

State of Haryana and another

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. Aditya Sanghi, Advocate
for the petitioner.

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

Mr. Lokesh Sharma, Advocate
for respondent No.2.

DAYA CHAUDHARY, J.

The present petition has been filed by the petitioner, namely, Surender under Section 482 Cr.P.C for quashing of FIR No.400 dated 21.10.2011 registered under Sections 354/323/324/506 IPC at Police Station Sadar Palwal, District Palwal, Haryana and other consequential proceedings arising out of the said FIR, on the basis of compromise arrived at between the parties.

Said FIR was registered on the basis of statement made by respondent No.2-Karuna Devi. Thereafter, the charges were framed under Sections 354, 354-A, 354-B, 323, 324 and 506 IPC. However, during pendency of the proceedings, a compromise was arrived at between the

parties. Complainant has also given an affidavit stating therein that by considering the welfare of her family and children and with the intervention of friends and relatives, the difference between the parties has been settled and now she has no objection in quashing of the FIR as well as other proceedings arising out of it. It has also been mentioned that there was no pressure upon her to make any statement and affidavit has been filed as per her own free will. The compromise between the parties has been signed not only by the complainant and petitioner-accused but three witnesses as well, in whose presence, the statement was made by the complainant.

A direction was issued by this Court on 17.12.2015 to the parties to appear before the trial Court for recording of their statements with regard to compromise.

In compliance of directions issued by this Court, parties have appeared before the Judicial Magistrate Ist Class, Palwal and their statements have been recorded. Thereafter, the report along with the statements of the parties have been sent, which is on record. It has been mentioned in the report that the compromise arrived at between the parties is voluntary and without any fear or coercion. The complainant has stated in her statement that the dispute between the parties has been settled by way of compromise and she has no objection in quashing of the FIR. There was no pressure upon her while effecting compromise with the accused person(s). It has also been mentioned in the statement that the compromise, which is duly signed by both the parties and witnesses, has already been annexed with the petition filed for quashing of FIR on the basis of compromise.

The complainant is also present in the Court and has been identified by the counsel representing her. She has also affirmed the

factum of compromise arrived at with the accused petitioner.

Since the dispute between the parties has been settled by way of compromise and the complainant has no objection in quashing of FIR as well as other proceedings arising out of it; the fact that the complainant does not want to pursue the case against accused person and the compromise is as per free will and without any pressure from either side, no purpose would be served, in case, the proceedings are allowed to continue as the complainant is not going to support the case of the prosecution. It will merely be a wastage of valuable time of the Court.

A larger Bench of this Court in ***Kulwinder Singh vs State of Punjab 2007(3) RCR Criminal 1052*** 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. The observations of this Court are reproduced as under :-

“ Criminal Procedure Code, Section 320(9) – Criminal Procedure Code, Section 482 – Compounding of offences which are non-compoundable under Section 320(9) Cr.P.C. - Offence non-compoundable, but parties entering into compromise-High Court has power under Section 482 Cr.P.C allow the compounding of non-compoundable offence and quash the prosecution where the High Court felt that the same was required to prevent the abuse of the process of any court or to otherwise secure the ends of justice – This power of quashing is not confined to matrimonial disputes alone.”

In the present case, the compromise has been effected between the parties with their free will and without any pressure. The continuation of proceedings in future would be futile as no purpose is going to be achieved in any manner.

Accordingly, the present petition is allowed and FIR No.400 dated

21.10.2011 registered under Sections 354, 323, 324, 506 IPC at Police Station Palwal, District Palwal, Haryana along with all consequential proceedings arising therefrom, qua petitioner, namely, Surrender are hereby quashed subject to payment of an amount of ₹ 20,000/- by way of draft in favour of complainant within a period of one month from the date of receipt of certified copy of this order.

22.01.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE