

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-43634-2015 (O & M)
Date of decision:10.03.2016

Noor ...Petitioner(s)

Versus

U.T. Chandigarh and anr. ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Gaurav G.S. Chauhan, Advocate,
for the petitioner(s).

Mr. Gautam Kaile, Advocate,
for Mr. Rajiv Sharma, Advocate,
for U.T., Chandigarh.

Mr. Shubhandkar Baweja,
Advocate, for respondent No.2.

Rajan Gupta, J. (oral)

Petitioner has filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.239 dated 02.05.2015, registered under sections 279 and 337 IPC at Police Station Mani Majra, Chandigarh, , on the basis of compromise.

Learned counsel for the parties submit that 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 (Crl.) 1052***, learned counsel submit that in view of compromise, the impugned FIR deserves to be quashed.

Learned counsel for U.T., Chandigarh, does not dispute the ratio of judgment in *Kulwinder Singh's case (supra)* and submits that in case a compromise is arrived at between the parties, respondent No.1 would not stand in the way of quashing of FIR.

Heard.

It appears that while issuing notice of motion 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:-

"In humble reply to the above mentioned subject it is stated that the parties to the present petition namely Noorpaul and Raj Rani appeared and their statement was recorded in the Court that they have compromised the matter vide compromise deed Ex. CW-1/1. They were identified by counsels who also filed POA today. The compromise between the above said parties were arrived at voluntarily without any undue pressure and coercion and hence is genuine. No statement has been given by the parties regarding the pendency of the other criminal case except the present case i.e. FIR No.239 dated 02.05.2015, PS Manimajra, Chandigarh. As such, report regarding pendency of any other case cannot be given. The copies of the statement and the zimni order dated 10.02.2016 is being forwarded along with this letter for your kind perusal and necessary action. The next date before the Hon'ble High Court is 10.03.2016."

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 the above, the present FIR and the subsequent 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 FIR in question and the subsequent proceedings arising therefrom are quashed.

10.03.2016
sukhpreet

(RAJAN GUPTA)
JUDGE