

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

CRM M-44028 of 2015

Date of decision : 09.02.2016

Dharampal & ors.

....Petitioners

V/s

State of Haryana & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Chander Shekhar, Advocate for the petitioners.

Mr. Sukhbir Singh, District Attorney, Haryana.

Mr. Vivek Goel, Advocate for respondent no. 2.

RAJAN GUPTA J.

Petitioners have filed this petition under section 482 Cr.P.C. seeking quashing of FIR No. 287 dated 12.10.2011 registered under sections 148, 149, 323, 325, 324 & 506 IPC at police station Shahabad, District Kurukshetra 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 (Crl.) 1052***, learned counsel submit that in view of compromise, the impugned FIR deserves to be quashed.

Reply on behalf of the State has been filed in court.

Same is taken on record. Learned State counsel 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 the State 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 view of the order dated 24.12.2015 passed by Hon'ble High Court, I have the honour to submit that complainant Surender Sharma son of Ravi Dutt Sharma, r/o village Charuni Jattan, District Kurukshetra appeared and made statement that he has compromised the matter with the accused persons in view of the compromise dated 12.12.2015. Now they have no ill will against each other. He further stated that he does not want to proceed with the present case in view of the compromise. That being so, he wants to quash the present case under Section 482 Cr.P.C. The above said compromise is without any due coercion and pressure. His statement in this regard recorded separately. (Copy of statement enclosed as Annexure A1).

Thereafter, accused Sunil Kumar son of Rajinder, Anil Kumar son of Rajinder, Vishnu Dutt son of Vidhya Sagar, Dharam Pal son of Vidhya Sagar and Parveen Kumar son of Vishnu Dutt, all residents of village Charuni Jattan, District Kurukshetra also made statement that the present case was registered against them only and except them, no other was named in the present case. They further stated that they all five accused have not been declared proclaimed offender till today. Their statement in this regard recorded

separately. (Copy of statement enclosed as Annexure A2).

The above said accused persons further made a separate statement that they have compromised the matter in view of the compromise dated 12.12.2015 and now they have no ill will against each other. They all the accused filed a CRM M-44028-2015 before the Hon'ble High Court for quashing the present accused. The above said compromise is without any pressure and coercion. Their statement in this regard recorded separately. (Copy of statement enclosed as Annexure A3.)

Subsequently, joint statements of both the parties, i.e. complainant as well as accused persons have also recorded separately vide which they stated that except the present case there are two appeals are pending between the both the parties i.e. No. 1 Ravi Dutt vs. State, No. 2 Vishnu Dutt vs. Ravi Dutt etc. They further stated that in view of the compromise dated 12.12.2015, the compromised have been arrived in both the aforesaid appeals pending before the court of learned Additional District Judge, Kurukshetra. Their statement in this regard recorded separately.(Copy of statement enclosed as Annexure A4).

In view of the statements of the complainant and accused persons, this court is of the considered opinion that statements suffered by both the parties are genuine and are not the result of any pressure of coercion in any manner and the CRM M-44028-2015 titled Dharam Pal and others Vs. State of Haryana and another has been filed on behalf of all the accused. Further, no accused has been declared proclaimed offender in the present FIR. Both the parties were specifically asked whether they have suffered statements qua compromise with this court voluntarily to which they pleaded yes. Copy of even date i.e. 6.1.2016 is also enclosed as Annexure A5).

This is for your humble submission for onwards transmission to the quarter concerned as desired."

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

February 09, 2016

Ajay

(RAJAN GUPTA)
JUDGE