

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

**Crl. Misc. No. M-24005 of 2019 (O&M)
Date of decision: October 18, 2019**

Rakesh Kumar and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Kunal Dawar, Advocate
for the petitioners.

Mr. Amitoj Singh Dhaliwal, D.A.G., Punjab.

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

SURINDER GUPTA, J.(Oral)

The petitioners have filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No. 40 dated 11.04.2012 (Annexure P-1) along with all consequential proceedings arising therefrom, registered for offences punishable under Sections 323, 342 read with Section 120-B of Indian Penal Code (for short 'IPC') at Police Station Phagwara City, District Kapurthala on the basis of the compromise (Annexure P-2).

The present FIR was registered on the statement of respondent No. 2 wherein she alleged that the petitioners have been harassing, maltreating and giving her beatings.

Learned State counsel submits that after completion of investigation, the police had presented a cancellation report in this case but the matter was sent back to the police for further investigation which is still pending.

Learned counsel for the petitioners submits that the matter has since been settled vide compromise, copy of which has been placed on file as Annexure P-2.

Learned counsel for respondent No.2-complainant endorses the submission of learned counsel for the petitioners and has no objection if the impugned FIR (Annexure P-1) is quashed.

In order to verify the veracity and genuineness of the settlement between the parties, they were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated 31.07.2019 stating therein that the compromise has been effected between the complainant and the accused which appears to be voluntary in nature and without any pressure or influence.

Keeping all the above facts in view, I am of the considered opinion that it is a fit case in which the impugned FIR should be quashed. Keeping the case pending will not serve the ends of justice. The quashing of the FIR will provide the parties to this petition an opportunity to live in an amicable, peaceful and harmonious atmosphere which is not only in the interest of the parties but also for their families and ultimately the society at large.

For the reasons as discussed above, the instant petition is allowed and the impugned FIR (Annexure P-1) along with all consequential proceedings arising therefrom, qua petitioners, is quashed.

October 19, 2019

Jyoti-II

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No