

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Criminal Misc. No. M-15567 of 2009

Date of decision: November 30, 2009

Sohan Lal & others

-Petitioners

Versus

State of U.T. Chandigarh & another -Respondents

Coram **Hon'ble Mr. Justice Rajan Gupta**

Present: Mr. Keshav Kataria, Advocate, for
the petitioners.

Mr. Hemant Bassi, Standing Counsel
for UT.

Mr.Kunal Mulwani, Advocate, for
respondent No.2.

Rajan Gupta, J.(Oral)

The petitioners have filed this petition under Section 482 Cr.P.C. for quashing of FIR No. 238 dated 3.12.2007 (Annexure P-1) under Sections 323/452/506 read with Section 34 IPC registered at police station Sector 31 Chandigarh on the basis of compromise (Annexure P-2) arrived at between the parties.

On the request of counsel for the parties, the matter was placed before the Permanent Lok Adalat, where the parties have arrived at a compromise and statement of the complainant was recorded to this effect.

The order dated 5-11-2009 passed by the Lok Adalat reads thus:-

“Respondent No.2-complainant has compromised with the other parties and has made a statement that he does not want any further action to be taken on the FIR No. 238 dated

3.12.2007 lodged by him under Sections 323/341/506 & 34 IPC and have no objection if the FIR aforesaid is quashed. Since one of the offences covered by Section 452 IPC is not compoundable, hence the case is returned to the High Court for passing appropriate order.”

Complainant/respondent No.2 is present in Court. He is duly identified by his counsel. He has affirmed the statement made by him before the Lok Adalat. Affidavit (Annexure P3) filed on his behalf is already on the record, wherein also the factum of compromise is admitted.

Learned counsel for the Union Territory submits that since the parties have arrived at an amicable settlement, the State would not stand in the way of quashing of the FIR on the basis of compromise.

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 with continuance of the criminal proceedings.

In view of the above, the present FIR and the consequent proceedings deserve to be quashed in the light of the decision of a Full Bench of this Court in ***Kulwinder Singh and others Vs. State of Punjab, 2007(3) RCR (Crl.) 1052.***

Resultantly, the present petition is allowed, the FIR and the subsequent proceedings arising therefrom are quashed.

[Rajan Gupta]
Judge

November 30, 2009.

'ask'