
(2011) 08 P&H CK 0012

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-21288 of 2011 (O and M)

Kulbir Singh @ Rajbir and another

APPELLANT

Vs

State of Haryana and another

RESPONDENT

Date of Decision : 29-08-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 323, 324, 326, 506

Citation : (2011) 08 P&H CK 0012

Hon'ble Judges : Rajan Gupta, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Rajan Gupta, J.—The petitioners have filed this petition u/s 482 Cr.P.C. seeking quashing of FIR No. 163 dated 08.04.2009 registered under sections 323, 324, 326 & 506 IPC at police station Nissing District Karnal and all the subsequent proceedings arising therefrom on the basis of compromise (Annexure P- 2).

2. 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. They submit that respondent No. 2 is present in court today and has been duly identified by Mr. G.S. Pannu, Advocate for respondent No. 2. They have produced affidavit of Palwinder Singh (respondent no. 2) which is taken on record as Mark "A" admitting therein the factum of compromise arrived at between the parties. It has further been stated in the affidavit that respondent No. 2 has no objection if the FIR and all consequential proceedings arising therefrom are quashed. Learned counsel for the petitioner as well as learned counsel for respondent No. 2 submit that in view of compromise, the impugned FIR deserves to be quashed.

3. Learned counsel for the Stated submits that in view of compromise the State will not stand in the way of quashing of the FIR in question. He, however, submits that matter pertains to the year 2009 where after investigative

machinery was set into motion and trial ensued. Thus, costs of the proceedings need to be imposed.

4. Learned counsel for the petitioners undertakes to deposit Rs. 15,000/-, as costs of the proceedings, with the Haryana State Legal Service Authority within two months on receipt of certified copy of this order.

5. 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 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 & others Vs. State of Punjab, 2007(3) RCR (Cri.) 1052.

6. Resultantly, the present petition is allowed. The FIR in question and the subsequent proceedings arising therefrom are quashed subject to petitioners" complying with the undertaking aforesaid.