**Quash an FIR Basis Compromise Deed/Agreement**

There are time and circumstances when after filing an FIR, better sense prevail between the parties and they intend to finish the matter to ensure that no one will have to come to courts and face trail. In that situation it is advisable to enter into a compromise agreement and get the matter quashed from the High Court on the basis of the compromise deed/ agreement.

Since only the High Courts have been entrusted with the power to quash an FIR U/S 482 Cr.P.C (as Inherent Powers of the High Court), the parties have to file a joint quashing petition praying that the matter has been amicably settled and therefore the present FIR be quashed. Once the High Court is satisfied that the matter has been amicably settled and justice requires, the High Court can quash the FIR u/s 482 Cr.P.C read with Article 226/227 of the constitution of India irrespective of whether the chargesheet has been filed or not.

Section 482 Cr.P.C:-

Nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be:-

a. Necessary to give effect to any order under this Code,

b. or to prevent abuse of the process of any Court

c. or otherwise to secure the ends of justice.

Judicial Trend:-

In Gian Singh v. State of Punjab (2012) 10 SCC 303 Hon’ble Supreme Court has recognized the need of amicable resolution of disputes , by observing that:-

That the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceedings.

In Vinod Singh & Ors. vs State & Anr.; on 29 January, 2016 at Delhi High Court:-

Hon’ble Delhi High Court has held that since the misunderstanding that led to the registration of the subject FIR has been amicably resolved by and between the parties without any undue influence, pressure or coercion, no useful purpose will be served by proceeding with the subject FIR and the proceedings arising therefrom, FIR Sections 323/308/34 IPC, is hereby set aside and quashed qua the petitioners.

In Darshan Khurana & Ors vs The State & Anr; on 4 April, 2016 at Delhi High Court

Notwithstanding the fact that the offences under Sections 471/468 IPC are non-compoundable offences, there should be no impediment in quashing the FIR under these sections, if the Court is otherwise satisfied that the facts and circumstances of the case so warrant. Accordingly, an FIR under Sections 406/420/468/471/120B IPC stands quashed against the petitioners.

In Sanjay Tripathi vs State & Anr on 10 January, 2017 Delhi High Court

An FIR registered under Sections 354/506 of the Indian Penal Code and proceedings emanating therefrom qua the petitioner, be quashed, on the basis that the parties have willfully with free consent has compromised their matter amicably.

Bittoo & Anr. vs The State on 29 May, 2017at Delhi High Court

An FIR under Section 354/354D/452/323/506/509/34 IPC is quashed against the petitioners.

Conclusion:

It is a well settled law that where the High Court is convinced that the offences are entirely personal in nature and do not affect public peace or tranquility and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them. In such cases, pursuing prosecution would be waste of time and energy.