

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M-11532 of 2015 (O&M)

Date of Decision: December 04, 2015

Harbans Singh and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. Navjot Singh, Advocate
for the petitioners.

Mr.Ankur Jain, AAG, Punjab

Mr.A.P.Kaushal, Advocate
for respondent Nos. 2 & 3.

Rajan Gupta, J (Oral)

Petitioners have filed this petition under Section 482 Cr.P.C seeking quashing of F.I.R No. 25 dated 3.3.2015 registered under Sections 452, 323, 506, 34 IPC at Police Station, Barnala, District Barnala 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 (Cr1.) 1052**, learned counsel submit that in view of compromise, the impugned F.I.R deserves to be quashed.

Learned State counsel, on instructions from ASI-Harbans Singh, submits that none of the injury has been found grievous in nature.

Investigating agency does not intend to add any offence in any other Section of IPC. Learned State counsel does not dispute the ratio of judgment in **Kulwinder Singh's** case supra and submit that in case a compromise is arrived at between the parties the State shall not stand in the way of quashing of F.I.R.

Heard

It appears that on 7.8.2015, 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:-

“Respectfully submitted that in compliance of the orders of the Hon'ble High Court dated 7.8.2015, the statement of complainant Charanjit Singh has been recorded. The complainant Charanjit Singh has suffered a statement to the effect that the present FIR was registered on the basis of his statement dated 3.3.2015 against accused Harbans Singh, Inderjit Singh, Hardeep Kaur and Mohinder Kaur. However, the compromise has been effected with the accused which is reduced in writing on 13.3.2015 (Ex.C1). The compromise is the result of free consent and without any pressure or undue influence from any quarter and he agreed with the compromise dated 13.3.2015 (Ex.C1). He has no objection in case the present FIR registered against the accused stands quashed. Similarly, accused Harbans Singh, Inderjit Singh, Hardeep Kaur, Mohinder Kaur also suffered statement to the effect that the instant case was registered on the basis of statement of complainant Charanjit Singh and with the intervention of friends and relatives, a compromise has been reduced into writing on

13.3.2015 (Ex.C1). Since the complainant Charanjit Singh had suffered a statement on oath to the effect that the compromise has been executed willingly and he agrees with the compromise and has no objection in case the FIR against the accused stands quashed, therefore, the compromise is genuine one.”

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 F.I.R in question and the subsequent proceedings arising therefrom are quashed.

(Rajan Gupta)
Judge

December 04, 2015
BB