

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M- 13354 of 2015

Date of Decision: December 04, 2015

Jaspal Singh

....Petitioner

Versus

U.T.,Chandigarh and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. Ashwani Kumar, Advocate
for HPS Ishar, Advocate
for the petitioner.

Mr.Parveen Chauhan, Advocate
for Mr.Gagan Singh Wasu, Advocate
for U.T., Chandigarh.

Mr.Vijay Kumar, Advocate
for respondent Nos. 2 & 3.

Rajan Gupta, J (Oral)

Petitioner has filed this petition under Section 482 Cr.P.C seeking quashing of F.I.R No.141 dated 21.5.2014 registered under Sections 279, 337, 338 IPC (338 added later on) at Police Station, Sector 31, Chandigarh 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 (Crl.) 1052**, learned counsel submit that in view of compromise, the impugned F.I.R deserves to be quashed.

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 17.7.2015, 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:-

“With reference to the subject noted above, it is submitted that vide order dated 17.7.2015 passed by Hon'ble Punjab and Haryana High Court, Chandigarh in CRM-M-13354 of 2015 titled as Jaspal Singh Vs. U.T., Chandigarh & others, the report of this court was sought. In this regard, it is submitted that on 13.10.2015, the complainant Sanjeev Kumar son of Late Sh.Ram Kishan, Parveen Kumar son of Gurnam Singh and accused Jaspal Singh son of Jaimal Singh stated that they have compromised the matter in FIR no.41 of 2014 under Sections 279, 337, 338 of IPC, PS Sector 31, Chandigarh. They recorded their separate statements to this effect which bears their signatures. They were duly identified by their respective counsel. The complainants Sanjeev Kumar and Parveen Kumar stated that since he has compromised the matter with the accused with his free will, therefore, he has no objection, if present FIR is ordered to be quashed against the present accused Jaspal. Similarly, the accused Jaspal also stated that on account of his compromise with the complainant out of his free will he has no objection if the statement of the complainant Sanjeev is accepted and the FIR mentioned above is quashed against him.

After going through with their statements, in my opinion, it appears that the compromise between the complainant Sanjeev Kumar, Parveen Kumar and accused Jaspal Singh is out of the their free will and consent and without any kind of pressure or coercion. Copy of the statement of the complainants Sanjeev Kumar and Parveen Kumar as well as that of the accused Jaspal are attached herewith for the kind perusal of the court. Their proof of identity i.e their respective driving licence is also attached herewith. The next date in this court for appearance has been fixed for 17.12.2015.

It is also submitted that in the present FIR, there is only one person Jaspal Singh who has been arrayed as accused. There is no other accused who has been declared as proclaimed offender.”

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'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