

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-14921 of 2015
Date of decision: 23.7.2015

Bikram Singh @ Vicky and another ...Petitioners

Versus

State of Punjab & another ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Arnav Sood, Advocate for the petitioners.
Ms. Rajni Gupta, Addl. Advocate General, Punjab.
Mr. S.S. Brar, Advocate for respondent No.2.

Rajan Gupta, J. (oral)

Petitioners have filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.79 dated 10.7.2011, registered under sections 323, 427, 324/34 IPC and Section 326 IPC added later on, at Police Station Model Town, Hoshiarpur, Distt. Hoshiarpur, on the basis of compromise.

Learned counsel for the parties submit that 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 FIR deserves to be quashed.

Learned State counsel does not dispute the ratio of judgment in *Kulwinder Singh's case (supra)* and submits that in case a compromise is arrived at between the parties, the State would not stand in the way of quashing of FIR.

Heard.

It appears that while issuing notice of motion 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:-

“In his statement, complainant/respondent Sukhdev Singh stated that on his statement, FIR No.79 dated 10.07.2011, under sections 326, 324, 323, 427, 34 of IPC, Police Station Model Town, District Hoshiarpur was registered against Bikram Singh son of Mansa Ram and Ajay Kumar son of Mansa Ram, both residents of village Malahat, Police Station Sadar, District Una (HP). He further deposed that now with the intervention of respectables, matter has been compromised between them. He further deposed that, he made this statement with his own sweet will, without any coercion and undue influence. He further deposed that he has no objection if the abovesaid FIR be quashed.

On the other hand, accused Bikram Singh and Ajay Kumar stated that on the statement of Sukhdev Singh son of Ram Singh, an FIR No.79 dated 10.07.2011, under Sections 326, 324, 323, 427, 34 of IPC, Police Station Model Town, District Hoshiarpur was registered against them. They further deposed that now they have compromised the matter with complainant Sukhdev Singh with the intervention of respectables.

It is respectfully submitted that only two persons namely Bikram Singh and Ajay Kumar were arrayed as accused in FIR No.79 dated 10.07.2011, under Sections 326, 324, 323, 427, 34 of IPC and none of them is proclaimed offender. It is further respectfully submitted that as per observations of the undersigned, parties have arrived at compromise voluntarily which is genuine and correct.”

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 the above,

the present FIR and the subsequent 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 FIR in question and the subsequent proceedings arising therefrom are quashed.

(RAJAN GUPTA)
JUDGE

23.7.2015
'Rajpal'