

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-17416-2015 (O & M)
Date of decision:09.12.2015

Harinder Singh and ors.

...Petitioner(s)

Versus

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. H.S. Dhandi, Advocate,
for the petitioner(s).

Ms. Rajni Gupta, Addl.A.G., Punjab.

None for respondent No.2.

Rajan Gupta, J. (oral)

Petitioners have filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.17 dated 03.08.2012 registered under Sections 406, 498-A, 494 and 120-B IPC at Police Station Women, Distt. Patiala, on the basis of compromise.

Learned counsel for the petitioners submits 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 submits 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 on July 16, 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:-

"1. In the present case, there are three accused namely Harinder Singh, Parkash Kaur and Raj Kaur @ Rajbir Kaur and no accused has been declared proclaimed offender in this case.

2. Complainant Raj Kaur and accused Harinder Singh, Parkash Kaur and Raj Kaur @ Rajbir Kaur have appeared before the undersigned for making their statements.

3. complainant Raj Kaur has made a statement that present FIR was lodged by her and now she has compromised the matter with the accused persons and now she and all accused are residing happily under the same roof and there is no dispute between herself and accused Harinder Singh, Parkash Kaur and Rajbir Kaur second wife of Harinder Singh..

4. Separate statements of accused Harinder Singh, Parkash Kaur and Raj Kaur @ Rajbir Kaur have also been recorded, who stated that they have compromised with complainant now complainant and all accused are residing happily and under the same roof and there is no dispute between them.

The above statements of parties have been recorded in presence of counsel. This court is fully satisfied that compromise between the parties has been effected voluntarily without any pressure, threat or coercion. The original

statements are annexed herewith for kind perusal of your goodself and necessary action, please.”

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.

09.12.2015
sukhpreet

(RAJAN GUPTA)
JUDGE