

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M- 17582 of 2015

Date of Decision: November 27, 2015

Dilbagh Singh and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. J.S.Thind, Advocate
for the petitioners.

Mr.Ankur Jain, AAG, Punjab

Rajan Gupta, J (Oral)

Petitioners have filed this petition under Section 482 Cr.P.C seeking quashing of F.I.R No. 30 dated 23.6.2009 registered under Sections 326, 325, 324, 323, 506, 148, 149, 427 IPC at Police Station, Gharinda, District Amritsar City 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 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 27.5.2015, 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:-

“Pursuant to the order dated 27.5.2015 passed by the Hon'ble High Court in CRM-M-17390 of 2015 (O&M) report is hereby submitted to the effect that the statement of complainant Dilbagh Singh as well as accused Kuldeep Singh, Gurvinder Singh, Harjit Singh, Ravinderbir Singh, Saravjit Singh have been recorded in case bearing FIR NO.30 dated 24.6.09, under Sections 326, 324, 148, 149 IPC at Police Station, Gharinda, Amritsar. It is further stated that accused Surjit Singh, Kulwinder Singh and Ravinderbir Singh have not been prosecuted as they have been shown in column No.2 in report under Section 173 Cr.P.C out of which only one accused namely Ravinderbir Singh has come present and his statement has also been recorded alongwith other four accused. This court is satisfied that the parties have made an amicable settlement and have recorded their statements in the court without any fear or pressure. The compromise is genuine, voluntarily and out of free will of the parties.”

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.

FIR was registered way back in the year 2009 and thereafter investigating agency came into motion. Considerable court time was consumed. Under the circumstances, petitioners shall bear Rs.15,000/- which shall be remitted to Punjab Legal Services Authority, Chandigarh.

Resultantly, the present petition is allowed. F.I.R in question and the subsequent proceedings arising therefrom are quashed subject to remission of costs as above.

(Rajan Gupta)
Judge

November 27, 2015
BB