

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-18221-2014 (O & M)
Date of decision:15.10.2015

Sunil @ Shinda and ors.

...Petitioner(s)

Versus

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: None for the petitioner(s).

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

Ms. Bandana Dogra, Advocate,
for respondents No.2 and 3.

Rajan Gupta, J. (oral)

Petitioners have filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.127 dated 10.10.2013 registered under Sections 363/366(a)/34 IPC at Police Station Mukerian, on the basis of compromise.

Learned counsel for respondents No.2 and 3 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 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 view of the above order, the parties i.e. the complainant Prem Masih son of Bhulla Masih r/o village Dhanoa, Tehsil Mukerian, District Hoshiarpur, Jyoti @ Sarabjit r/o village Nangal Bheelan, PS Hajipur District Hoshiarpur and accused Sunil @ Shinda son of Tarsem Masih, Sumitri w/o Tarsem Masih, Rinku son of Tarsem Masih, residents of village Nangal Bheelan, PS Hajipur, Distt. Hoshiarpur alongwith their Ld. Counsel came present in the court on 31.3.2015 and their statements have been recorded. After going through the statement of the parties, it is observed that the matter has been compromised between the parties with the intervention of the respectables and the compromise is genuine, voluntary and without any coercion or undue influence in respect of FIR no.127 dated 10.10.2013, under Section 363, 366 (a) 34 IPC registered at P.S. Mukerian. All the grievances have been settled amicably between the parties without any coercion or undue influence. The report is hereby submitted for kind consideration and further 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.

15.10.2015
sukhpreet

(RAJAN GUPTA)
JUDGE