

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

CRM-M-18573 of 2015

Date of Decision: August 27, 2015

Rajpal Singh and another

....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. Surinder Garg, Advocate
for the petitioners.

Mr.Ankur Jain, AAG, Pb.

Rajan Gupta, J (Oral)

Petitioners have filed this petition under Section 482 Cr.P.C seeking quashing of F.I.R No. 42 dated 2.5.2012 registered under Sections 406, 498-A IPC at Police Station, Gidderbaha, District, Sri Muktsar 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 (CrI.) 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 29.5.2015, 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:-

“The accused namely Rajpal Singh and Manjit Kaur as well as complainant Jagvir Kaur by appearing in the court verified the factum of compromise between the parties with free will and full of senses of the parties and also verified that the compromise is arrived at for the betterment of the parties and to avoid any future conflict/enmity between the parties. However, the joint statement of the petitioners/accused namely Rajpal Singh and Manjit Kaur has also been got recorded separately regarding the compromise between the parties, who also deposed that the respectable persons got effected the compromise between them and the complainant. They have no grudge against the complainant in any manner. They further stated that the compromise is genuine, voluntarily and without any kind of pressure or coercion and is arrived at for the betterment of the parties. The accused/petitioners have been identified by their counsel Sh.P.C.Garg, Advocate.

It is further submitted that the report of SHO Police Station, Gidderbaha was called, who submitted his report that two accused namely Rajpal Singh and Manjit Kaur have been arrayed as accused in the FIR and there are no proclamation proceedings against any of the accused in this case.

From the statements of Jagvir Kaur complainant and Rajpal Singh and Manjit Kaur

accused/petitioners, it makes out that the parties have compromised the matter with their own free will and the statements made by the parties before this court are not the result of any pressure or coercion in any manner. The compromise has been effected between the parties so that they may live in peace and harmony and to avoid any future conflict/enmity between the parties. So the compromise between the parties appears to be genuine and valid.”

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

August 27, 2015
BB