

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

CRM-M-21351 of 2015

Date of Decision: September 04, 2015

Harpal Singh and another

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr.H.S.Bedi, Advocate
for the petitioners.

Mr.Ankur Jain, AAG, Punjab

Mr.Vivek Salathia, Advocate
for respondent Nos. 2 & 3.

Rajan Gupta, J (Oral)

Petitioners have filed this petition under Section 482 Cr.P.C seeking quashing of F.I.R No.163 dated 16.7.2010 registered under Sections 420/406/120-B IPC at Police Station, Patran, District, Patiala 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 28.7.2015, 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:-

“It is humbly submitted that in pursuance of order dated 28.7.2015 passed by Hon'ble High Court in the case more fully detailed in the subject, statement of complainant Surinder Singh son of Banta Singh and Kashmir Singh son of Hazara Singh and accused Harpal Singh son of Bhupinder Singh and Jaswant Singh son of Tarsem Singh recorded in the court. In view of the statement of complainants the compromise appears to have been effected genuine, voluntarily and without any coercion or under influence and appears to be genuine. As per the report of Naib Kot Sh.Didar Singh only six persons have been arrayed as accused in the present FIR and no accused has been declared as Proclaimed Offender.”

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.

However, after lodging of FIR, investigative machinery was set into motion and considerable court time was consumed. Thus, present petition is allowed and FIR in question and the subsequent proceedings

arising therefrom are quashed subject to payment of Rs.10,000/- as costs to be remitted to Punjab State Legal Services Authority.

(Rajan Gupta)
Judge

September 04, 2015
BB