

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-21554-2015 (O & M)
Date of decision:08.09.2015

Bittu @ Malkeet Singh and ors.

...Petitioner(s)

Versus

The State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. A.K. Sama, Advocate,
for the petitioners.

Mr. Ankur Jain, AAG, Punjab.

Mr. Neeraj Madaan, Advocate,
for respondent No.2.

Rajan Gupta, J. (oral)

Petitioners have filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.76 dated 23.06.2011 registered under Sections 363/366-A and 120-B IPC at Police Station Sadar Jalalabad, District Fazilka, on the basis of compromise.

Learned counsel for parties submit 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 submit 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:-

“(1) That the parties appeared before this Court on 25.08.2015 and the complainant Lahora Singh alongwith his daughter Parveen Rani @ Veena (victim) have recorded their separate statement that the matter has since been compromise without any coercion or pressure from any side and they have no objection if the FIR against accused is to be quashed. Original compromise deed produced as Ex.C1 and signature upon it has been identified by the persons making statement.

2). That the separate statement of all the five accused namely Bittu @ Malkeet Singh and Bishamber Singh sons of Mukhtiar Singh, Mukhtiar Singh son of Jeevan Singh, Juj Singh son of Saavan Singh and Juj Singh son of Balwant Singh were also recorded that the matter has been compromised without any coercion or pressure from any side.

3). That it is clear that the compromise has been genuinely effected without any pressure as the matter has been compromised with the help of respectables of society. The statements of the parties recorded in the court and that of the compromise deed Ex.C1 are being sent herewith in original for the kind perusal of the Hon'ble High Court. It is further respectfully intimated that there are total five accused persons involved in this case and none has been declared proclaimed offender.”

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.

Learned State counsel on instructions from HC Sandeep Kuamr submits that a cancellation report was submitted before the concerned court on 07.09.2012.

In view of findings of the investigating agency as well as in light of Full Bench judgment of this court in *Kulwinder Singh's case (supra)*, the present FIR and the subsequent proceedings arising therefrom deserve to be quashed

Resultantly, the present petition is allowed. The FIR in question and the subsequent proceedings arising therefrom are quashed.

08.09.2015
sukhpreet

(RAJAN GUPTA)
JUDGE