

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-21795-2015 (O & M)
Date of decision:30.09.2015

Musa Khan ...Petitioner(s)

Versus

State of Punjab and anr. ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. L.M. Gulati, Advocate,
for the petitioner(s).

Mr. Shilesh Gupta, Addl.A.G., Punjab.

Rajan Gupta, J. (oral)

Petitioners have filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.54 dated 07.03.2015 registered under Sections 283/384 and 420 IPC at Police Station Kotwali, Patiala, District Patiala, on the basis of compromise.

Learned counsel for the petitioner 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:-

“On 21.07.2015 complainant Kulwinder Singh s/o Sukhdev Singh r/o H.No.19, Guru Gobind Singh Marg, behind Division No.2, Patiala, came present in the Court and suffered statement (copy enclosed) to the effect that 'I am the complainant in the present case FIR No. 54 dated 7.3.2015 registered in Police Station Kotwali, Patiala. Now I do not want to further proceed with the present case as the matter has been compromised. No accused in this case has been declared as proclaimed offender and I am making this statement without any pressure, threat or coercion. I have no objection in case the present FIR and its subsequent proceedings are quashed against the accused. There is no other accused named in the FIR except Musa Khan.'

Accused/petitioner namely Musa Khan s/o Jang Bahadur r/o H.No.13, Malwa Colony, Patiala, also suffered statement (copy enclosed) to the effect that 'I have been named as accused in the present case FIR No. 54 dated 7.3.2015, which was falsely registered by the SHO of Police Station Kotwali, Patiala. Now the matter has been compromised. No accused in this case has been declared as proclaimed offender. In view of the compromise, the present FIR and its subsequent proceedings be quashed against me. There is no other accused named in the FIR except me.' The accused has been identified by Sh. H.P.S. Verma, Advocate.

Therefore, in view of the above statements of the complainant and the accused person, named above, it appears that compromise has been arrived between the parties voluntarily, without any coercion or undue influence, which is outcome of free will and volition of the parties and the same is beneficial for both the parties. Further, as per the above statement of the parties only one person i.e. petitioner Musa Khan has been named as accused in the present case and further no accused has been declared as proclaimed offender in this case.”

Apart from the above, learned State counsel on instructions from H.C. Bikramjit Singh has apprised the court that a cancellation report has been submitted before the competent court.

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.

30.09.2015
sukhpreet

(RAJAN GUPTA)
JUDGE