

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-25847-2015 (O & M)
Date of decision:12.10.2015

Kulwinder Singh alias Bittu

...Petitioner(s)

Versus

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Ms. Rajwinder Kaur, Advocate,
for the petitioner(s).

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

Rajan Gupta, J. (oral)

Petitioner has filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.18 dated 18.04.2015 registered under Sections 498-A, 323 and 506 IPC at Police Station Mehal Kalan, Tehsil and District Barnala, on the basis of compromise.

Learned counsel for 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:-

“This court, after hearing the parties in persons alongwith their counsel and after going through the statements recorded in the court, is of the opinion that the compromise effected between the parties is genuine. They have compromised the matter voluntarily and without any coercion or undue influence and statements recorded by the complainant as well as accused is not the result of any pressure and coercion. The statements recorded by the parties are enclosed herewith. The present case is at this stage of prosecution evidence. None of the accused is proclaimed offender and all accused were sought quashing.”

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.

12.10.2015
sukhpreet

(RAJAN GUPTA)
JUDGE