

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-26568 of 2015

DATE OF DECISION: 05.12.2015

Surinder Kumar and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspaper may be allowed to see judgment? (Yes/No)**
- 2. To be referred to reporters or not? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest? (Yes/No)**

Present:- Mr. Gurmeet Singh, Advocate
for the petitioners.

Mr. Vaibhav Sharma, DAG, Punjab.

Mr. N.S. Sidhu, Advocate
for respondents No.2 and 3.

DAYA CHAUDHARY, J.

Petitioners, namely, Surinder Kumar, Antarpal Singh and Rupinder Singh, have filed this petition under Section 482 Cr.P.C. for quashing of FIR No.104 dated 1.10.2012 registered under Sections 323,341,160,510 IPC at Police Station GRP Sirhind, District Fatehgarh Sahib, on the basis of compromise effected between the parties.

Learned counsel for the petitioners contends that the aforesaid FIR was registered on the basis of statement made by respondent No.2 and during the pendency of the proceedings, with

the intervention of respectables of the society, the matter has been compromised between the parties. Learned counsel further contends that one more case i.e. FIR No. 245 dated 11.9.2010 under Sections 406 and 498-A IPC at Police Station City Khanna, District Ludhiana was registered against petitioner No.1-Surinder Kumar. Learned counsel also contends that the dispute in that case has also been settled between the parties and Petitioner No.1-Surinder Kumar along with one Kamla filed Crl. Misc. No. M-17386 of 2015 for quashing of FIR on the basis of compromise, which was allowed by this Court on 7.9.2015 and the said FIR was quashed.

Notice of motion was issued in the case on 13.8.2015 and parties were also directed to appear before the trial Court for recording of their statements with regard to compromise and the trial Court was also directed to send a report in this regard along with statements of the parties.

In response to the directions issued by this Court, the parties have appeared before Sub Divisional Judicial Magistrate, Khanna and their statements were recorded. A report in this regard along with the statements of the parties has been received, which is on record wherein factum of compromise has been affirmed. It has been mentioned in the report that the compromise effected between the parties is voluntarily and is as per free will without any fear or undue influence from either side. It has also been mentioned in the report that neither any case nor PO proceedings are pending against either of the party. The joint statement of Jasvir Singh and Minanshu was recorded, which has duly been signed by both of them, wherein,

it has been mentioned that they have compromised the matter with the accused-petitioners and have no objection in quashing of the FIR. Similarly, statements of the petitioners were also recorded, wherein, the factum of compromise has been affirmed.

Since the parties have compromised their dispute and in view of the compromise arrived at between the parties, no purpose would be served in case proceedings are continued as it would amount to wastage of precious time of the Court as the complainant is not going to support the case of the prosecution and as such continuation of proceedings would be futile exercise.

Accordingly, the present petition is allowed and impugned criminal proceedings arising out of FIR No.104 dated 1.10.2012 registered under Sections 323,341,160,510 IPC at Police Station GRP Sirhind, District Fatehgarh Sahib as well as all subsequent proceedings arising therefrom qua the petitioners, namely, Surinder Kumar, Antarpal Singh and Rupinder Singh are hereby quashed.

December 05, 2015
pooja

(DAYA CHAUDHARY)
JUDGE