

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

CRM-M-3124 of 2015
Date of decision: 28.4.2015

Bhupinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. A.S. Syan, Advocate for the petitioner.

Mr. Shilesh Gupta, Addl. Advocate General, Punjab.

Mr. Ravinder Singh Rana, Advocate for respondent No.2.

Rajan Gupta, J. (oral)

Petitioner has filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.63 dated 29.07.2012, registered under sections 279, 337, 427 IPC at Police Station Phase 11, S.A.S. Nagar, Mohali, on the basis of compromise.

Learned counsel for the 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:-

“I have the honour to submit that a case in an FIR No.63 dated 29.07.2012 under sections 279, 337, 338 IPC, P.S. Phase-11, Mohali titled as State Vs. Bhupinder Singh is pending in the court of undersigned and in the above mentioned Criminal Misc. Hon'ble Ms. Justice Sabina, Judge, Punjab and Haryana High Court, Chandigarh, vide order dated 29.01.2015 has directed the parties to appear before this court to make their statements regarding compromise and accordingly complainant HC Parminder Singh and accused appeared before this court on 05.02.2015 and their separate statements were recorded which were countersigned by their respective counsels for identification purpose. From their statements, I am satisfied that the said compromise was effected between them out of their free will and without any coercion and there is a valid compromise. Hence, the report is submitted accordingly with the copies of statements.”

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.

(RAJAN GUPTA)
JUDGE

28.4.2015
'Rajpal'