

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-33935-2015 (O & M)
Date of decision:14.12.2015

Jagtar Singh

...Petitioner(s)

Versus

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Manpreet Singh, Advocate, for the petitioner(s).

Mr. Ankur Jain, AAG, Punjab.

Mr. M.S. Baath, 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.89 dated 07.05.2012 registered under Sections 336, 341, 323, 356, 325, 148 and 149 IPC and Sections 25, 54, 59 of Arms Act, at Police Station Moga City, District Moga, 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:-

“With reference to the order dated 19.10.2015 passed by Hon'ble Punjab & Haryana High Court, in the above noted case, it is respectfully submitted that as per the directions of Hon'ble High Court, statements of parties have been recorded. Complainant Satnam Singh has suffered statement that FIR No.89 dated 7.5.2012, under Sections 336, 341, 325, 323, 356, 148 and 149 IPC and 25/54/59 Arms Act was lodged at his instance against the accused Jagtar Singh alias Tari Khosa and five unknown persons. He has compromised the matter with the accused. The compromise between them has been effected with the intervention of village respectables and they have compromised the matter without any pressure and with his own sweet will. He has no objection if said FIR is quashed. No other case is pending between them in any court. He has no knowledge about other accused. Similarly, accused Jagtar Singh has suffered statement that he has compromised the matter with the complainant. He has heard the statement of the complainant which is correct. The compromise between them has been effected with the intervention of village respectables and they have compromised the matter without any pressure and with their own sweet will. He agrees with the statement of complainant. No other case is pending between them. As per the directions of the Hon'ble High

Court, following is my point-wise report:

(i) FIR has been registered against Tari Khosa and 5 unknown persons.

(ii) As per record, no accused has been declared as proclaimed offender.

(iii) As per the statements of the parties, no other case is pending between parties.

(iv) As per report, Rs.5000/- has been deposited with District Legal Services Authority, Moga.

(v) From the statements of the parties, this court is of the view that both the parties out of their free will and consent have compromised the matter and resolved the dispute. Compromise between the parties is without any coercion, influence and is genuine one.

Kindly find enclosed herewith original statements of the complainant, and accused along with photo copies of identification proof of complainant.”

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.

14.12.2015
sukhpreet

(RAJAN GUPTA)
JUDGE