

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-39563-2013 (O & M)
Date of decision:30.06.2015

Sarabjit Singh and another ...Petitioner(s)

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Naveen Sharma, Advocate, for the petitioners.

Mr. Ankur Jain, AAG, Punjab.

Mr. Surinder Sharma, Advocate, for respondent No.2.

Rajan Gupta, J. (oral)

Petitioners have filed this petition under Section 482 Cr.P.C. seeking quashing of DDR No.32 registered in corss-version in FIR No.112 dated 08.05.2010 registered under Sections 323, 324, 452 and 34 IPC at Police Station Sadar Jalandhar, 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 on March 25, 2014, 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:-

“Accused/petitioner Sarabjit Singh has also made statement that a compromise has been effected with the complainant and the dispute in the matter of cross case titled as 'State vs. Amrik Singh Singh and Ors.' has also been settled and the compromise has been arrived at with his free consent and will.

After going through the statements given by complainant, witnesses/respondents and accused/petitioners this court is of the view that a genuine compromise has been effected between the parties and there was no undue influence or coercion from any side.

Hence, the report is submitted accordingly.”

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 DDR 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)*. However, DDR was registered way back in the year 2010. Thereafter, investigating machinery was set into motion. Considerable court time was also consumed. Parties undertake to pay Rs.10,000/- as costs to be shared equally by them.

Resultantly, the present petition is allowed is allowed. The DDR in question and the subsequent proceedings arising therefrom are quashed. Costs be remitted to Punjab State Legal Services Authority within a month of receipt of certified copy of this order.

30.06.2015
sukhpreet

(RAJAN GUPTA)
JUDGE