

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M 37360 of 2014

Date of decision : 08.04.2015

Hardeep Kaur & anr.

....Petitioners

V/s

State of Punjab & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Karanjit Singh, Advocate for the petitioners.

Mr. Shilesh Gupta, Addl. A.G. Punjab.

Mr. Shekhar Kumar, Advocate for
Mr. R.S. Bains, Advocate for respondent no. 2.

RAJAN GUPTA J.

Petitioner has filed this petition under section 482 Cr.P.C. seeking quashing of FIR No. 52 dated 23.07.2011 registered under sections 380 IPC at police station Ramdas, District Amritsar Rural (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise dated 16.10.2014 (Annexure P-3).

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 vide order dated 12.02.2015 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:-

"In compliance, parties appeared before the court of undersigned yesterday i.e. on 03.04.2015 and Sawinder Singh s/o Ajit Singh and Sahib Singh s/o Sawinder Singh complainant recorded their statement separately to the effect that on the instance of complainant Sawinder Singh FIR has been registered against accused Hardeep Kaur D/o Balraj Singh and Kawaljit Kaur w/o Balraj Singh. Now the matter is compromised between complainant and accused party and said compromise is out of their free will and without any threat, fear and pressure.

Complainant and his son are identified by Yadavinder Singh, Adv. Similarly, separate statement of accused Hardeep Kaur and Kawaljit Kaur recorded separately whereby they have stated that they have entered into a compromise with the complainant Sawinder Singh out of their free will, without any threat or pressure.

Therefore, in compliance, it is hereby submitted that the said statement of complainant and accused person are out of their free will and same are without any threat, or pressure."

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 above, the present FIR and the consequent 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.

April 08, 2015

Ajay

(RAJAN GUPTA)
JUDGE