

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

CRM-M-3913 of 2015

Date of decision: April 07, 2015

Sukhpal Singh & others

...Petitioners

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Anterpreet Singh, Advocate for

Mr. Gaurav Sharma, Advocate for the petitioners.

Ms. Rajni Gupta, Addl. Advocate General, Punjab.

Rajan Gupta, J (oral).

Petitioners have filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.218 dated 8.8.2009, registered under sections 324, 323 read with section 34 IPC at Police Station City Sangrur, District Sangrur, on the basis of compromise.

Learned counsel for the petitioner submits 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 submits 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. He, however, submits that costs need to be imposed upon the parties.

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:-

“The compromise as per statements of complainant Amarjit Singh, accused Sukhpal Singh, Chitbir Singh and Mandeep Singh has been arrived at voluntarily and without any pressure, threat or coercion between Amarjit Singh, accused Sukhpal Singh, Chitbir Singh and Mandeep Singh. The original statements of complainant Amarjit Singh, accused Sukhpal Singh, Chitbir Singh and Mandeep Singh and photocopy of compromise Mark 'A' are enclosed herewith.

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 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)*. However, FIR was registered way back in the year 2009. Thereafter, investigating machinery was set into motion. Considerable court time was also consumed. Parties are, thus, required to bear costs of proceedings. Same are assessed as

Rs.20,000/- to be borne equally by the petitioners and the complainant.

Resultantly, the present petition is allowed. The FIR 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.

(RAJAN GUPTA)
JUDGE

April 07, 2015
'Rajpal'