

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

CRM-M-43590-2014

Date of decision: 11.8.2015

Jagdev Singh & others

...Petitioners

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

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

Mr. Ankur Jain, AAG, Punjab.

Rajan Gupta, J. (oral)

Petitioners have filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.146 dated 16.09.2013, registered under sections 498-A, 406, 506, 323 IPC at Police Station Kulgarhi, District Ferozepur, on the basis of compromise.

Learned counsel for the petitioner 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:-

“In pursuance to the orders passed by the Hon'ble High Court, accused Javdev Singh, Jaswinder Kaur and Gurtej Singh (petitioners in petition under section 482 Cr.P.C.) as well as complainant Sarabhjeet Kaur (respondent No.2 in petition under Section 482 Cr.P.C.) appeared before this court on 29.01.2015 and got recorded their statements with regarding to compromise effected between them. The complainant, Sarabhjeet Kaur in her statement has stated that with the intervention of the respectables of the locality, the matter has been compromised. She has further stated that she has effected the compromise voluntarily without any pressure or coercion and that her statement is not the result of any pressure or coercion in any manner and she has been making the statement of her own will. She has further stated that she has no objection if the said FIR is quashed. Similar statements have been suffered by accused Jagdev Singh, Jaswinder Kaur and Gurtej Singh with regard to the compromise effected between the parties. The complainant have been identified by Darshan Singh, Lambardar of village Khanpur, Tehsil and District Ferozepur, whereas accused Jagdev Singh, Jaswinder Kaur and Gurtej Singh have been identified by Sh. RS Sidhu, Advocate. The complainant as well as accused have also placed on record photo copies of their identity cards in token of their identity. From the statements of the parties made before this court, this court is satisfied that compromise effected between the parties appears to be genuine and without any pressure or coercion. Photo copies of statements of the parties are enclosed herewith.”

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

11.8.2015
'Rajpal'