

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

CRM-M-43867 of 2014

Sarabjit Kaur and others

....Petitioners

Versus

State of Punjab and another

.....Respondents

Present: Mr. Nitin Thatai, Advocate
for the petitioners.

Mr. Ankur Jain, AAG, Punjab

Mr. Vipul Jindal, Advocate
for respondent No.2.

CRM-M- 1704 of 2015

Kulwant Singh and another

....Petitioners

Versus

State of Punjab and another

.....Respondents

Date of Decision: November 17, 2015

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. Nitin Thatai, Advocate
for Mr. N.S. Dadwal, Advocate
for the petitioners.

Mr. Ankur Jain, AAG, Punjab

Mr. Vipul Jindal, Advocate
for respondent No.2.

Rajan Gupta, J (Oral)

This order will dispose of two petitions i.e CRM-M-43867 of

2014 and CRM-M-1704 of 2015 seeking quashing of FIR No. 339 dated 29.12.2009 under Sections 420, 406, 380 and 120-B IPC at Police Station, Jagraon District Ludhiana on the basis of compromise.

Learned counsel for respondent No.2 seeks to place on record affidavit. Prayer is accepted. Affidavit is taken on record.

Admittedly, petitions have been rendered infructuous qua petitioners Pritam Singh and Harjit Singh as they have been found innocent during investigation. Challan has already been filed in this case.

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 F.I.R deserves to be quashed.

Learned State counsel does not dispute the ratio of judgment in **Kulwinder Singh's** case supra and submit that in case a compromise is arrived at between the parties the State shall not stand in the way of quashing of F.I.R.

Heard

It appears that on 23.12.2014, 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:-

“Most humbly, it is submitted that as per orders dated 23.12.2014 in CRM-M-43867 of 2014 and order dated 20.1.2015 in CRM-M-1704 of 2015 passed by Hon'ble High Court of Punjab & Haryana High Court at Chandigarh in above noted case, statements of Ranjit Singh son of Harnam Singh (complainant since died) resident of Village

Dalla, Tehsil Jagraon, District Ludhiana has been recorded in which he has submitted that the FIR No. 339 of 2009 PS Jagraon, was registered on the basis of statement of his deceased father namely Harnam Singh against the accused persons. But now he has compromised the matter with the accused persons with his free will and consent and without any pressure or coercion and he has no objection if the FIR qua accused persons is quashed except Balwinder Kaur as no compromise is effected with her. The accused 1) Kulwant Singh s/o Gurbaksh Singh, 2) Harjit Singh s/o Gurmail Singh, 3) Pritam Singh s/o Saudagar Singh, 4) Sarabjit Kaur w/o Ranjit Singh, all residents of Village Dalla, Tehsil Jagraon, District Ludhiana, 5) Kulwinder Singh s/o Karnail Singh, 6) Balwinder Singh @ Ravinder Singh s/o Karnail Singh and 7) Jasvir Kaur w/o Goga Singh, all residents of Vill.Malla, Tehsil Jagraon, District Ludhiana got recorded their separate statements in regarding the compromise with Ranjit Singh (son of the complainant in the present case). From the statements of parties, it appears that the compromise arrived between the parties is genuine, voluntary and without any coercion or undue influence & the statements of complainant and the concerned accused in original are enclosed herewith.”

The 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 F.I.R in question and the subsequent proceedings arising therefrom are quashed.

(Rajan Gupta)
Judge

November 17, 2015
BB