

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-44251-2014 (O & M)

Date of decision: 19.05.2015

Jatinder Singh

...Petitioner(s)

Versus

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Damandeep Singh, Advocate, for the petitioner.

Ms. Rajni Gupta, Addl.A.G., Punjab.

Rajan Gupta, J. (oral)

Petitioner has filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.39 dated 08.02.2011 registered under Sections 279, 337, 338 and 427 IPC at Police Station Payal, District Khanna, Punjab, on the basis of compromise.

Learned counsel for 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.

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 statements of complainant Manpreet Singh as well as of accused Jatinder Singh have been recorded separately. As per statements of complainant/injured, the compromise has been effected without any coercion or undue influence, the same is voluntarily and same is genuine one and now he has no grudge against the accused person. The terms of compromise have been written in the shape of Panchayati Compromise dated 28.08.2014 and copy of the said compromise has been placed on record as Ex. CX. Statement of accused person has also been recorded separately. The parties have made their statements without any coercion or pressure and with their free will. From the statement of complainant/injured and the accused person, it clearly stands established that the compromise has been arrived at between the parties voluntarily, without having any threat or coercion and the same one is genuine one.”

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.

19.05.2015
sukhpreet

(RAJAN GUPTA)
JUDGE