

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-4911-2014 (O & M)
Date of decision:22.04.2015

Soni @ Kulwinder Singh and ors.

...Petitioners

Versus

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Rahul Rampal, Advocate,
for the petitioners.

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

Rajan Gupta, J. (oral)

Petitioners have filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.122 dated 20.11.2013 registered under Sections 341/323/324/506/148 and 149 IPC (Annexure P-1) at Police Station Doraha, District Ludhiana on the basis of compromise.

Learned counsel for petitioners 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 on January 20, 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:-

“The statements of complainant Gurvinder Singh, injured/eyewitness Gurdeep Singh as well as of accused persons namely Gurinder Singh, Kulwinder Singh, Gurjant Singh, Iqbal Singh and Amandeep Singh have been recorded separately. As per statement of complainant and injured, the compromise has been effected without any coercion or undue influence, the same is voluntarily and same is genuine one and now they have no grudge against the accused persons. The terms of compromise have been written in the shape of Compromise dated 10.12.2013 which has been placed on record as Ex. CX. Statement of accused persons has also been recorded separately. The parties have made their statements without any coercion or pressure and with their free will. The concerned parties have been identified by their respective counsels.

From the statement of complainant, injured and the accused persons, it clearly stands established that the compromise is genuine one and same has been arrived at between the parties voluntarily, without having any pressure, threat or coercion.”

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.

22.04.2015
sukhpreet

(RAJAN GUPTA)
JUDGE