

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

CRM-M-6978-2015 (O&M)
Date of decision: 20.8.2015

Sahib Singh & others

...Petitioners

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Om Parkash Kashyap, Advocate for the petitioners.
Ms. Rajni Gupta, Addl. Advocate General, Punjab.
Mr. Y.P. Sharma, Advocate for respondents No.2 to 5.

Rajan Gupta, J. (oral)

Petitioners have filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.260 dated 05.10.2011, registered under sections 498-A, 494, 120-B IPC at Police Station Patran, District Patiala, on the basis of compromise.

Learned counsel for the parties 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:-

“Respectfully submitted that the case titled as “State Vs. Sahib Singh and others” arising out of FIR No.260 dated 05.10.2011 U/s 498-A, 494, 120-B of IPC, is pending in this court for prosecution evidence.

It is further reported that on 13.08.2015 in compliance of order dated 28.07.2015 passed by the court of Hon'ble Mr. Justice Jaspal Singh, Judge Punjab and Haryana High Court, the undersigned recorded statements of the parties i.e. Jaswinder Kaur, complainant of this case, and Sahib Singh, Angrej Singh, Sukhwinder Singh, Balbir Kaur and Virpal Kaur, accused of this case, with regard to the compromise of the matter in dispute between them. All of them stated that they have compromised the matter with their free will and without any pressure or threat. They also stated that they have given statements in the court also with their free will. Statements of aforesaid persons perused and their compromise seems to be valid and genuine being effected between them with their free will and without any threat or coercion or threat.

It is further reported that no accused has been declared proclaimed offender in this case.

Report is submitted accordingly with due respect in compliance of aforesaid order dated 28.07.2015.

Submitted please.”

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

20.8.2015
'Rajpal'