

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

CRM-M-7421 of 2015
Date of decision: 28.7.2015

Shambhu and others

...Petitioners

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Maneesh Bali, Advocate for the petitioners.
Mr. Shilesh Gupta, Addl. Advocate General, Punjab.
Mr. H.K. Brinda, Advocate for respondent No.2.

Rajan Gupta, J. (oral)

Petitioners have filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.98 dated 8.10.2013, registered under sections 323, 452, 506, 148, 149 IPC at Police Station Sadar Rupnagar, District Rupnagar, 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:-

“It is pertinent to mention here that point wise reply to the other directions issued by the Hon'ble High Court is as under:-

1. Number of persons arrayed as accused in the FIR : 8
2. Whether any accused is proclaimed offender : Accused Amarjit Singh S/o Saroop Singh was declared as a proclaimed person by this court on 05.09.2014, thereafter on 15.03.2015 accused Amarjit Singh was arrested in the present case and after enjoining him in the investigation and completion of other formalities supplementary challan was presented against him. Later the accused was released on regular bail. In order to record the satisfaction to the effect that whether or not proceedings U/s 174-A IPC were initiated against the said accused person, statement of ASI Balwinder Kumar, Incharge P.P. Ghanoli was recorded on 08.06.2015, who confirmed that separate proceedings U/s 174-A of IPC were not initiated against the accused person.
3. In view of the aforesaid statements, it is found that compromise has been effected between the parties. Compromise between the parties appears to be voluntary and without any coercion/pressure. The above said case is pending in the Hon'ble High Court and fixed for 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

28.7.2015
'Rajpal'