

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-8791-2014 (O & M)
Date of decision:23.04.2015

Swinder Singh and ors.

...Petitioners

Versus

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Amit Dhawan, Advocate,
for the petitioners.

Mr. Ankur Jain, AAG, Punjab.

Mr. Nitin Kant Setia, Advocate, for respondent No.2.

Mr. Sumer Singh Brar, Advocate, for the applicant.

Rajan Gupta, J. (oral)

CRM-12751-2015

This is an application for impleadment of Raj Singh son of Swinder Singh as petitioner No.6 in the array of parties.

For the reasons stated in the application, same is allowed. Applicant-Raju Singh is impleaded as petitioner No.6 in the array of parties.

CRM-M-8791-2014

Petitioners have filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.112 dated 26.09.2013 registered under Sections 406, 498-A and 354 IPC at Police Station Bahawwala District Fazilka on the basis of compromise.

Learned counsel for 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 on March 13, 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:-

"Today, the accused Swinder Singh, Dalbir Kaur, Mandep Kaur, Sandeep Kaur, Harpal Singh and Raju Singh son of Swinder Singh, of the case titled as "State vs. Raju and others" and the affected party namely Sarabjit Kaur wife of Raju daughter of Balveer Singh son of Ranga Singh resident of village Bahvwala Tehsil Abohar, District Fazilka appeared and got their statement recorded. Sarabjit Kaur wife of Raju daughter of Balveer Singh son of Ranga Singh resident of village Bhavwala, Tehsil Abohar i.e. complainant has stated that FIR No.112 dated 26.09.2013 was registered against the accused Swinder Singh, Dalbir Kaur, Mandeep Kaur, Sandeep Kaur, Harpal Singh and Raju Singh son of Swinder Singh under Sections 406/498-A/354 IPC on her complaint at Police Station Bahavwala. She stated that the matter has been compromised between them with their free will and without any pressure, coercion and she produced on record copy of her affidavit

dated 23.01.2015 regarding compromise as Ex. PX. She further stated that the said compromise was effected between them without any influence and pressure and present FIR may kindly be cancelled/quashed on the basis of compromise. Statement of accused regarding compromise was also recorded wherein accused Swinder Singh, Dalbir Kaur, Mandeep Kaur, Sandeep Kaur and Harpal Singh vide their jointly recorded statement stated that the matter has been compromised between them with their free will and without any pressure, coercion, therefore, request is made to quash the present FIR.”

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.

23.04.2015
sukhpreet

(RAJAN GUPTA)
JUDGE