

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-8947-2014 (O & M)

Date of decision: 14.10.2015

Sukhdev Singh @ Sukha and ors.

...Petitioner(s)

Versus

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. J.S. Moudgil, Advocate,
for the petitioner(s).

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

Mr. Sukhmeet Singh, 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.7 dated 22.01.2011 registered under Sections 323/324/34 IPC and Sections 326/325 IPC (added later on) at Police Station Sadar Sunam, District Sangrur, 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 February 02, 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:-

"2. That on 11.03.2015, complainant Gurmail Singh appeared in the Court alongwith his counsel Mr. KV Vashist Advocate and got recorded his statement that the case bearing FIR No.7 dated 22.01.2011 under Section 326/323/324/325/34 of IPC P.S. Sadar Sunam (Sangrur) was registered against the accused Sukhdev Singh @ Sukha, Sukhdarshan Singh @ Kala and Surjit Singh @ Seeta on his statement for inflicting injuries upon him. He further clarified that none else had suffered any injury. He further stated that now with the intervention of their relatives and respectable persons of the society, the matter has stood compromised and hence, he does not want to proceed further into the matter against the above named accused persons. He further clarified that his statement in the Court is without any pressure or coercion and he has compromised the matter with the accused persons with his own discretion. He further stated that he has got no objection if the above said case FIR be quashed alongwith subsequent proceedings arising therefrom and he has got no objections if the above named accused be acquitted of the charges framed against them by the Hon'ble High Court.

3. Then, a joint statement of all the accused persons namely Sukhdev Singh @ Sukha, Sukhdarshan Singh @ Kala and Surjit Singh @

Seeta was recorded on 11.03.2015, wherein they stated to have compromised the matter without any pressure 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)*. In view of the fact that after FIR was lodged, investigation ensued and considerable court time was consumed, learned counsel for the petitioners submits that petitioners are ready to bear the costs of proceedings.

Resultantly, the present petition is allowed. The FIR in question and the subsequent proceedings arising therefrom are quashed subject to payment of ₹20,000/- as costs to be remitted to Punjab State Legal Services Authority within a month of receipt of certified copy of this order.

14.10.2015
sukhpreet

(RAJAN GUPTA)
JUDGE