

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-9391-2015 (O & M)
Date of decision:11.12.2015

Raju Garg and ors.

...Petitioner(s)

Versus

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

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

Ms. Rajni Gupta, Addl.A.G., Punjab.

Rajan Gupta, J. (oral)

Petitioners have filed this petition under Section 482 Cr.P.C. seeking quashing FIR No.94 dated 28.06.2013 registered under Sections 451, 234, 323, 506, 148 and 149 IPC at Police Station City, Malerkotla, District Sangrur, on the basis of compromise.

Learned State counsel, at the outset, submits that present petition is rendered infructuous qua petitioners no.2, 4 and 5 as they have not been arraigned as accused in the final report submitted by the investigating agency.

In view of above, this petition is dismissed as having been rendered infructuous qua petitioners no.2, 4 and 5.

Learned counsel for the petitioners no.1 and 3 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 has been arrived at between the parties, State would not stand in the way of quashing of FIR.

Heard.

It appears that on September 22, 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:-

“With reference to the subject cited above, I have the honour to submit that in compliance of order dated 22.09.2015 passed by Hon'ble High Court, the parties have come present for recording their statements with regard to the compromise effected between them. Statements of complainant Harish Singla, injured persons namely Mohd. Anis, Arif Halim, Ajay Sharma and accused persons namely Raju Garg, Subash Kumar Garg, Deepak Garg, Kunwar Singla and Rakesh Kumar, have been recorded, in which they have stated that they have compromised with each other and the compromise is voluntary without any pressure or coercion and they have no objection if as per compromise, FIR of instant case is cancelled. The original statements of complainant, injured persons and the accused are sent herewith for kind perusal.

It is further submitted that FIR No.94 dated 28.06.2011 in the present case was registered against two accused persons namely Deepak Garg and Raju Garg and 10-15 unknown persons. Challan has only been presented against

accused persons namely Raju Garg and Deepak Garg and no accused is proclaimed offender in this case.”

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.

11.12.2015
sukhpreet

(RAJAN GUPTA)
JUDGE