

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM M-1371 of 2010

Date of decision : 21.01.2016

Jagtar Singh & ors.

....Petitioners

V/s

State of Punjab & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. G.S. Bawa, Advocate for
Mr. A.S. Khinda, Advocate for the petitioners.

Mr. Ankur Jain, AAG Punjab.

RAJAN GUPTA J.

Petitioners have filed this petition under section 482 Cr.P.C. seeking quashing of FIR in question on the basis of compromise.

Learned counsel for the petitioners submits that during the pendency of this petition 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. He 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 17.03.2015 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:-

"In compliance of the above-mentioned order, statement of complainant Gaurav Trehan, Karan Singh, Ashok Singh, Harjinder Singh and Ranjit Singh have been recorded. They have stated that matter has been compromised between them and all the accused including Gurjant Singh son of Surjit Singh, who is presently staying abroad, in FIR No. 96 dated 28.09.2009 registered at Police Station Kahnuwan, with the intervention of the respectables of the area and relatives. So they do not want to prosecute the accused. There is no other case pending between them. They further stated that they have made this statement without any coercion, undue influence and pressure and have no grudge against accused persons. They have no objection, at all, if the present case is quashed by the Hon'ble High Court against all the accused including Gurjant Singh son of Surjit Singh. It is further stated that an earlier report no. 67 dated 9.4.2015 has also been submitted by the present court but Hon'ble High Court has directed the court to record the statements of petitioner Gurjant Singh and respondents namely Ranjit Singh and Baljit Singh. It is humbly submitted that petitioner Gurjant Singh is residing abroad but all complaint have specifically stated that they have no objection of the present FIR is quashed against Gurjant Singh also. Further respondent no. 7 Baljit Singh has expired and his death certificate was attached with the last report No. 67 Dated 9.4.2015 (Report in CRM M-1371 of 2010).

Sh. Gurtaj, Advocate, Gurdaspur identified the complainant party.

From the statement of the complainant party, it appears to the Court that the complainant party have entered into said compromise without any pressure, coercion and same has been done with the free consent of the complainant party.”

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 above, the present FIR and the consequent 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.

January 21, 2016

Ajay

(RAJAN GUPTA)
JUDGE