IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-10197-2016 (O & M)
Date of decision:02.06.2016

Anoop Singh and anr.

...Petitioner(s)

Versus

State of Punjab and anr.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Tejinder Pal Singh, Advocate,
for the petitioner.

Mr. Ankur Jain, AAG, Punjab.

Mr. Suneet Pal Singh, Aulakh, Advocate,
for respondent No.2.

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Rajan Gupta, J. (oral)

Petitioners have filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.52 dated 12.08.2011, registered under sections 323, 324, 341 and 34 IPC (Section 326 IPC added later on), at Police Station Mukandpur, District Shaheed Bhagat Singh Nagar, 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

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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:-

> "In regard to the first query, it is submitted that the FIR no.52 dated 12.08.2011 of PS Mukandpur which was registered in the present case, in this FIR four persons were arraigned as accused namely Anoop Singh, Joginder Singh, Amandeep Singh and Gurpal Singh. During the investigation, Joginder Singh and Amandeep Singh were exonerated by the police and were placed in column no.2 of the police report whereas challan was filed against accused Anoop Singh and Gurpal Singh. Thereafter, this court has taken cognizance only against accused Anoop Singh and Gurpal Singh whereas no cognizance was taken against accused Joginder Singh Amandeep Singh. Anoop Singh and Gurpal Singh both of these accused are petitioners before Hon'ble High Court in CRM-M-10197-2016 entitled "Anoop Singh and another vs. State of Punjab and another.
>
> In regard to the second query, it is submitted that accused Anoop Singh and Gurpal Singh who are facing trial before this Court have never been declared as Proclaimed offenders and report in this regard was furnished by SHO Police Station Mukandpur.
>
> In regard to third query, it is submitted that in compliance of the direction passed by the Hon'ble High Court Gurcharan Singh (who is complainant in FIR no.52 dated 12.08.2011 of PS Mukandpur) appeared before this court on 07.04.2016.
>
> Statement of Gurcharan singh was recorded on the same day. He stated that the matter between him and both the

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> accused as aforementioned have been compromised. He further stated that the compromise has been arrived at between him and the accused voluntarily and without any coercion or undue influence. Before recording his statements, he was orally informed that if there is any type of coercion or undue influence on him, he can refuse to make the statement to which he replied in the negative.
>
> Considering these circumstances, it is submitted that the compromise between the parties has been effected without any coercion or undue influence, and the parties have entered into compromise voluntarily."

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

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