

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

CRM M-14135 of 2014

Date of decision : 21.01.2016

Prem Singh & ors.

....Petitioners

V/s

State of Punjab & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. M.S. Uppal, Advocate for the petitioners.

Mr. Ankur Jain, AAG Punjab.

Mr. Inderjit Sharma, Advocate for respondent no. 2.

RAJAN GUPTA J.

Petitioners have filed this petition under section 482 Cr.P.C. seeking quashing of FIR No. 204 dated 12.05.2008 registered under sections 307/323/341/506/427/148/149 IPC at police station Sadar Patiala and all the subsequent proceedings arising therefrom on the basis of compromise. Admittedly charge was never framed under Section 307 IPC.

Learned counsel for the parties submit 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 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 05.12.2014 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:-

"It is humbly submitted that in terms of order dated 05.12.2014 passed by Honourable Mr. Justice M.M.S. Bedi, Judge Punjab & Haryana High Court in CRM No. M-14135 of 2014, that the complainant i.e. Inderjit Singh son of Gurcharan Singh has appeared before the undersigned on 17.12.2014 as per directions of the Hon'ble High Court. He suffered a statement to the effect that he has arrived at a compromise with the accused persons with the intervention of respectables and stated that he has entered into compromise with his free will and without any pressure.

The accused Prem Singh son of Ishar Singh, Kuldeep Singh son of Bachan Singh, Moti Singh son of Ram Baksh, Nachhattar Singh son of Kaka Singh, Gurdev Singh son of Gurdial Singh, Lakhbir Singh Lakha son of Ujjagar Singh, Sarabjit Singh son of Nahar Singh, Satwant Singh son of Arjan Singh and Jasvir Singh son of Nikka Singh also appeared before the undersigned and suffered statements that they have compromised the matter with the complainant.

The undersigned is satisfied that both the parties have suffered the statements regarding compromise voluntarily without any inducement, coercion or pressure etc. The original statements are annexed

herewith for your kind perusal and necessary action, please."

Affidavit of injured Vijay Kumar has been filed. He has stated therein that he has no objection, if FIR in question is quashed.

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