

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-17011-2015 (O & M)
Date of decision:17.02.2016

Mohinderpal Singh alias Moinder Singh and anr.

...Petitioner(s)

Versus

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. A.P. Kaushal, Advocate,
for the petitioner(s).

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

Rajan Gupta, J. (oral)

Petitioners have filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.129 dated 17.11.2009 registered under Sections 406 and 498-A IPC at Police Station Nihal Singh Wala, District Moga, 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 January 14, 2016, 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 her statement complainant Varinderpal (respondent no.2) stated on the basis of her statement FIR was registered against petitioners Mohinderpal Singh and Satwant Kaur with whom matter has been amicably settled with the intervention of respectables of the village without any pressure, coercion or undue influence and with her free consent. She further stated that she had received demand draft No.431688 dated 18.01.2016 of ₹ 50,000/- as cost and has no objection in case FIR No.129 dated 17.11.2009 registered at Police station Nihal Singh Wala is quashed.

In their separate statements, petitioners/accused Mohinderpal Singh and Satwant Kaur stated that the matter has been amicably settled with the complainant without putting any kind of pressure, coercion or undue influence.

From their statements as well as their oral examination, this court is of the opinion that the compromise is genuine and voluntary and not result of coercion or undue influence.”

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.

17.02.2016
sukhpreet

(RAJAN GUPTA)
JUDGE