

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.

CRM-M-17399-2015 (O&M)
Date of decision: April 06, 2016

Gurtej Singh @ Teji and others ...Petitioners

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. J.S. Bhinder, Advocate for the petitioners.
Ms. Rajni Gupta, Addl. Advocate General, Punjab.
Mr. Jagmeet Singh Moudgil, Advocate for respondents
No.2 & 3.

Rajan Gupta, J.(oral)

Petitioners have filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.36 dated 01.06.2014, registered under sections 452, 323, 149 IPC at Police Station Dharamgarh, District Sangrur, 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 a compromise is arrived at between the parties, the State would not stand in the way of

quashing of FIR.

Heard.

It appears, vide order dated 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:-

“Complainant Satnam Singh has suffered statement that FIR No.36 dated 01.06.2014 Under Sections 452, 323, 149 IPC, Police Station Dharamgarh was registered on his statement and he has compromised with the accused and the compromise is voluntarily with free consent and without any coercion undue influence or fear and he has no objection if FIR is quashed and there are total five accused in the present case namely Gurtej Singh, Jagga Singh, Rachpal Singh, Devinder Singh, Gurpiar Singh and No accused is P.O. in this case.

Rajwinder Kaur has suffered statement that she has compromised with the accused and the compromise is voluntarily with free consent and without any coercion undue influence or fear and she has no objection if FIR is quashed and there are total five accused in the present case namely Gurtej Singh, Jagga Singh, Rachpal Singh, Devinder Singh, Gurpiar Singh and No accused is P.O. in this case.

I am satisfied that compromise arrived at between the parties is voluntarily and free consent. The original statement of Nishu Bansal Advocate, statement of complainant Satnam Singh, Rajwinder Kaur, power of attorney of Sh. Nishu Bansal Advocate as mentioned above are attached herewith.”

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

April 06, 2016
'Rajpal'