

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-18356-2015 (O & M)
Date of decision:28.04.2016

Jagga

...Petitioner(s)

Versus

State of Punjab and anr.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Siddharth Sharma, Advocate, for the petitioner(s).

Ms. Rajni Gupta, Addl.A.G., Punjab.

Rajan Gupta, J. (oral)

Petitioner has filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.29 dated 05.02.2013, registered under sections 420 and 406 IPC at Police Station Kapurthala City, District Kapurthala, on the basis of compromise.

Learned counsel for the petitioner 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 February 19, 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:-

“Above said petitioners/accused, with his counsel Sh. Rakesh Sharma, Advocate also suffered a statement that he is allegedly nominated accused in the above noted case registered at the instance of Bachan Singh S/o Khushi Ram S/o Sheru R/o Village Mundi, Tehsil and district Kapurthala. He has compromised the matter with the above said complainant voluntarily without any pressure, threat or coercion through the respectables of the locality and relatives, to keep harmony amongst the parties.

So in this way none of the above said persons have disputed the factum of compromise having been effected between the complainant party and the accused. Compromise seems to be resolved amicably, is genuine and without any threat, coercion or pressure.

The copy of statement of complainants/respondent Bachan Singh s/o Khushi Ram R/o Village Mundi, Tehsil and District Kapurthala is Annexure-A, copy of statement of accused/petitioner Jagga S/o Gari R/o Village Booh, PS City Kapurthala, District Kapurthala is Annexure-B, are enclosed 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.

28.04.2016
sukhpreet

(RAJAN GUPTA)
JUDGE