

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

CRM M-18403 of 2015

Date of decision : 09.02.2016

Rajinder Singh & ors.

....Petitioners

V/s

State of Punjab & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Manpreet Singh Sidhu, Advocate for the petitioners.

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

RAJAN GUPTA J.

Petitioners have filed this petition under section 482 Cr.P.C. seeking quashing of FIR No. 90 dated 30.08.2014 registered under section 420 IPC at police station Boha, District Mansa and all the subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioners submits 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 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:-

"I have the honour to submit that the Hon'ble Punjab & Haryana High Court, Chandigarh in the matter CRM M-18403 of 2015 titled "Rajinder Singh & others versus State of Punjab & another" was pleased to direct the Court to record the statements of parties regarding the matter having been voluntarily compromised.

As per the directions, it is to respectfully submit as under:

That on Wednesday, July 08, 2015 Respondent Jasveer Kaur (complainant) as well as Petitioners Rajinder Singh, Rajveer Singh, Jagdev Singh, Kulwinder Singh & Gurwinder Singh (all accused) got recorded their statements regarding compromise effected between them. Statement suffered by complainant Jasveer Kaur is reproduced as under:-

Stated that she has got registered the present FIR against the accused namely Rajinder Singh, Rajveer Singh, Jagdev Singh, Kulwinder Singh & Gurwinder Singh. Now the matter has been compromised with the accused/petitioners with the intervention of the relatives and respectable persons. The compromise is genuine and she has entered into compromise without any pressure and out of her free will. She has no objection if the FIR be quashed.

Similarly, petitioners-accused Rajinder Singh, Rajveer Singh, Jagdev Singh, Kulwinder Singh & Gurwinder Singh also suffered statement regarding compromise with the complainant.

Challan has not been presented in the above said case so far and no accused is declared as proclaimed offender in this case and quashing is sought by all the accused mentioned in the FIR.

The complainant as well as accused while appearing before this Court have stated that they have entered into compromise voluntarily, without any pressure and coercion. It appears that there is no pressure or coercion on both parties for entering into compromise and the same is purely voluntary. The statements of the parties are enclosed herewith for kind perusal.”

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.

February 09, 2016

Ajay

(RAJAN GUPTA)
JUDGE