

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

CRM M-18647 of 2015

Date of decision : 21.01.2016

Ashok Kumar & ors.

....Petitioners

V/s

State of Punjab & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Prateek Pandit, Advocate for the petitioners.

Mr. Sidakmeet Sandhu, AAG Punjab.

Mr. KBS Mann, Advocate for respondents no. 2 & 3.

RAJAN GUPTA J.

Petitioners have filed this petition under section 482 Cr.P.C. seeking quashing of FIR No. 113 dated 18.08.2014 registered under sections 325/34 IPC at police station Division No. 5, District Jalandhar and all the subsequent proceedings arising therefrom on the basis of compromise.

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 cross case.

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:-

"After going through the statements given by complainant Naresh Kumar and Paras and accused Ashok Kumar, Akash @ Pankush Soni, Sanjay Sehgal and Sonu today in the Court. The following report is submitted as desired by Hon'ble High Court.

- (i) There are four accused namely Ashok Kumar, Akash @ Pankush Soni, Sanjay Sehgal and Sonu involved in FIR No. 113 dated 18.08.2014 under sections 325/34 IPC. It is humbly submitted that on the basis of version of accused Akash @ Pankush Soni challan was also presented against the complainant Naresh Kumar S/o Lakhmi Dass and Paras S/o Naresh Kumar under Section 324/34 IPC*
- (ii) That in view of the statements of all the parties and record available with the Court, none of accused have been declared as proclaimed offender.*
- (iii) Sir, it is respectfully submitted that though all the parties present in the Court were identified by their Advocates yet one of the accused gave statement stating himself to be Sanjay Sehgal S/o Jagat Ram R/o Janak Nagar, Basti Seikh, Tehsil & District Jalandhar but in his driving license placed on record as identity proof he was shown to be Sanjay Chopra S/o Jagat*

Mohan Chopra R/o 139, defence colony Jalandhar. Similarly, accused Akash placed on record his identity proof wherein he was shown as Pankush Soni and accused Sonu placed on record his identity proof wherein he was shown as Varinder Kumar. Court had some doubts as to identity of the accused. Hence statement of counsel for accused Sanjay Sehgal, Akash and Sonu, Sh. Arvind Randev was recorded wherein he stated that all the accused persons are personally known to him and he identified them. Fresh statement of complainant Naresh Kumar was recorded. Complainant Naresh Kumar also identified all the accused persons.

(iv) On the basis of statement given by the parties this Court is of the considered view that compromise between the parties is genuine and it is effected voluntarily without any pressure, coercion or undue influence from any quarter."

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, instant 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