

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-22400-2015 (O & M)
Date of decision:19.01.2016

Baljinder Singh @ Sukhwinder Singh @ Sabhi and ors. ...Petitioner(s)

Versus

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Ishaan Pasricha, Advocate,
for the petitioner(s).

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

Mr. Arjun Atri, Advocate,
for respondents No.2 to 9.

Rajan Gupta, J. (oral)

Petitioners have filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.44 dated 13.05.2014 registered under Sections 452, 427, 148, 149 and 323 IPC and Section 326 IPC (added later on) at Police Station Fattu Dying District Kapurthala, on the basis of compromise.

Learned counsel for 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 that on July 14, 2015, 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:-

“Both the parties have effected compromise which is genuine, voluntary, without any threat, pressure, coercion or undue influence. Thereafter, the parties have also signed on their respective statements. Gist of the statements is that deponents have no grudge or revenge with each other and they want to live peacefully to avoid untoward incident in future. As per report of Criminal Ahlmad, in a private complaint filed by Baljinder Singh @ Sahbi son of Hazara Singh, resident of Fattudhinga, non-bailable warrants of arrest were being issued by this court against accused (respondents in the present petition) Navdeep Singh @ Billa son of Tirlok Singh; Balvinder Singh @ Lovely son of Surjit Singh and Jobanpreet Singh son of Bhupinder Singh. However, in the said private complaint, the complainant has suffered statement on 11.08.2015 thereby withdrawing the said complaint. As per further report of the Criminal Ahlmad, there are three persons arrayed as accused in FIR and that no accused is proclaimed offender in this case. Certified copies of statements of both the parties, recorded in this Court, are being sent herewith. The report is accordingly submitted before the Hon'ble High Court for kind perusal please.”

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.

19.01.2016
sukhpreet

(RAJAN GUPTA)
JUDGE