

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M- 2488 of 2015

Date of Decision: May 23, 2016.

Joginder Singh and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr.Ritesh Pandey, Advocate
for the petitioners.

Mr.Ankur Jain, AAG, Punjab

Mr. P.K.Garg, Advocate
for respondent No.2.

Rajan Gupta, J (Oral)

Petitioners have filed this petition under Section 482 Cr.P.C seeking quashing of FIR No.30 dated 8.5.2014 under Sections 324, 323, 326 (added later on) 34 IPC at Police Station, Tibber, District, Gurdaspur 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 (CrI.) 1052**, learned counsel submit that in view of compromise, the impugned F.I.R deserves to be quashed.

Learned State counsel does not dispute the ratio of judgment in **Kulwinder Singh's** case supra and submit that in case a compromise is

arrived at between the parties the State shall not stand in the way of quashing of F.I.R.

Heard

It appears that on 23.1.2015, 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:-

“Thereafter, separate statement of accused Joginder Singh son of Bawa Singh, Sukhdev Singh alias Mittu son of Joginder Singh Gurpreet Singh alias Loverly son of Balbir Singh and Sanjot Singh alias Banghi son of Harbhajan Singh, all residents of village Bagwa post office Lakhanpal, Tehsil and District Gurdaspur, have been recorded. The above said accused persons have stated that the present case FIR No.30 of 8.5.2014 under Sections 324, 323, 326, 34 of IPC Police Station, Tibber was registered against them on the statement of Joginder Pal son of Chunni Lal resident of Village Bagwa P.S. Tibber, District Gurdaspur. Now with the intervention of the respectable the matter stands compromised between them which they have arrived at voluntarily without any coercion of threat or pressure from anybody. They have stated that they shall remain bound by the term of compromise.

From the above referred statements, it appears that in the above case FIR No.30 of 8.5.2014 under Sections 324, 323, 326, 34 of IPC Police Station, Tibber a compromise has been voluntarily effected between the complainant party and accused persons.”

The 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.

(Rajan Gupta)
Judge

May 23, 2016.
BB