

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M- 26493 of 2015

Date of Decision: May 03, 2016.

Kamaljit Singh and others

....Petitioners

Versus

Balbir Kaur

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. Sandeep Arora, Advocate
for the petitioners.

Mr.G.S.Rawat, Advocate
for the respondent.

Rajan Gupta, J (Oral)

Petitioners have filed this petition under Section 482 Cr.P.C seeking quashing of criminal complaint No.107/1/10 dated 11.3.2010 registered under Sections 323, 354, 427, 504, 506, 382, 465, 468, 471, 120-B, 148, 149 IPC pending in the court of JMIC, 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 criminal complaint 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 criminal complaint.

Heard

It appears that on 11.8.2015, 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:-

“In this connection, it is humbly submitted that complainant Balbir Kaur widow of Chanan Singh and accused Kamaljit Singh, Balbir Kaur w/o Jagtar Singh and Shindo, appeared in the court of undersigned on 1.9.2015 in compliance of the order dated 11.8.2015 passed by Hon'ble Punjab and Haryana High Court in CRM-M No.26493 of 2015 in case titled as Kamaljit Singh and others Vs. Balbir Kaur. The complainant Balbir Kaur widow of Chanan Singh has suffered a statement that she has effected a compromise with accused Kamaljit Singh S/o Jagtar Singh, Balbir Kaur W/o Jagtar Singh and Shindo W/o Parshotam Lal, all resident of Village Manan Haanan, Tehsil Garhshankar, District Hoshiarpur. She does not want to proceed against them. This compromise has been effected in between herself and the above mentioned accused with the intervention of the respectables of the village. The complaint against them may kindly be dismissed. On the other hand, accused Kamaljit Singh, Balbir Kaur W/o Jagtar Singh and Shindo also suffered a statement that they have read the statement of the complainant and the same is correct. The compromise has been got effected with the intervention of the respectables of the village. The complaint be decided accordingly as per the statement of the complainant. The accused and the complainant are identified by their respective learned counsel.

This court is of the considered opinion that the compromise has been effected between the complainant and accused persons and same is voluntary, without any pressure or coercion and is genuine one.

However, it is submitted that in the present case accused Jagtar Singh has died and accused Surjit Kaur has been declared proclaimed offender vide order dated 28.1.2015.”

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 criminal complaint and the consequent proceedings arising therefrom deserve to be quashed qua the petitioners in light of Full Bench judgment of this court in Kulwinder Singh's case supra.

Resultantly, the present petition is allowed. The criminal complaints in question and the subsequent proceedings arising therefrom are quashed qua the petitioners.

(Rajan Gupta)
Judge

May 03, 2016.
BB