

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.

CRM-M-29988-2015 (O&M)
Date of decision: May 16, 2016

Mahil Singh & others ...Petitioners

Versus

State of Punjab & others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Raman Mohinder Sharma, Advocate for the petitioners.
Mr. Ankur Jain, AAG, Punjab.
Mr. Hitesh Sood, Advocate for respondents No.2 & 3.

Rajan Gupta, J.(oral)

Petitioners have filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.28 dated 03.02.2009, registered under sections 342, 384, 148, 149 IPC at Police Station Sadar Abohar, District Ferozepur, on the basis of compromise.

Learned counsel for the 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 vide order dated February 08, 2016, 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:-

“From the statement of complainant-Victim Sonu it makes out that the parties of the present petition pending before Hon'ble Punjab and Haryana High Court, have compromised the matter with their free will and full senses, volition of the parties, without any fear, apprehension, undue influence, coercion or pressure. There are five persons named above as accused, who are petitioners and none of the accused is declared as PO. This compromise has been effected between the parties so that they may live in peace and harmony and to avoid any future conflict/enmity between the parties. So this compromise between these parties appears to be genuine, voluntary and without any coercion or undue influence.”

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.

(RAJAN GUPTA)
JUDGE

May 16, 2016
'Rajpal'