

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M-31093 of 2014

Date of Decision: March 11, 2016.

Gurpal Singh and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. A.S.Manaise, Advocate
for the petitioners.

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

Rajan Gupta, J (Oral)

Petitioners have filed this petition under Section 482 Cr.P.C seeking quashing of F.I.R No. 56 dated 11.9.2012 registered under Sections 324, 323, 34 IPC at Police Station, Kahnuwan, 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 3.12.2015 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 compliance of the above mentioned order, statement of complainant Partap Singh has been recorded. He has stated that matter has been compromised between him and accused party with the intervention of respectables of area and relatives. He further stated that he has made this statement without any coercion, undue influence and pressure. He has no objection, at all, if the present case is quashed by the Hon'ble High Court against all the accused persons. He has been identified by Sh.Piara Singh, Lambardar, village Kala Bala.

Similarly, accused Gurpal Singh, Happy @ Harkirat Singh and Onkarjit Kaur made the statement that with the intervention of respectables the matter has been compromised between them and complainant. All accused have been identified by Sh.Gurbachan Singh, Advocate. Payment of Rs.5000/- has been deposited by accused in DLSA, Gurdaspur against proper receipt (copy of receipt is attached herewith).

Similarly, statement of complainant Onkarjit Kaur has been recorded in relation to cross case bearing rapat No.31 dated 11.9.2012 in FIR No.56 dated 11.9.2012. She has stated the matter has

been compromised between her and accused Navdeep Kaur wife of Partap Singh with the intervention of respectables of area and relatives. She further stated that she has made this statement without any coercion, undue influence and pressure. She has no objection at all if the present case is quashed by the Hon'ble High Court against Navdeep Kaur. She has been identified by Sh. Gurbachan Singh Advocate.

Similarly, accused Navdeep Kaur made the statement that with the intervention of respectables the matter has been compromised between her and complainant Onkarjit Kaur. She has been identified by Sh. Piara Singh, Lambardar, village Kala Bala.

On 11.12.2015 the statements of the parties were recorded but they were recorded in respect of FIR No.56 dated 11.9.2012 only whereas, the order dated 3.12.2015 of Hon'ble Punjab and Haryana High Court was regarding two quashing petitions bearing no. CRM-M-31093 of 2014 and CRM-M-38862 of 2015. Therefore, the statements of Onkarjit Kaur and Navdeep Kaur regarding cross case bearing rapat no.31 dated 11.9.2012 were left unrecorded. The statements of parties have been recorded afresh today i.e. 17.12.2015.

From the statements of the parties, it appears to the court that they have entered into said compromise without any pressure, coercion and same has been done with their free consent.”

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 F.I.R in question and the subsequent proceedings arising therefrom are quashed.

(Rajan Gupta)
Judge

March 11, 2016.
BB