

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.

CRM-M-34819 of 2014 (O&M)
Date of decision: March 31, 2016

Shimla Devi & others ...Petitioners

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Ms. G.K. Mann, Advocate for the petitioners.
Ms. Rajni Gupta, Addl. Advocate General, Punjab.
Mr. Rubi Thakur, Advocate for the complainant.

Rajan Gupta, J.(oral)

Petitioners have filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.163 dated 26.07.2014, registered under sections 406, 420, 120-B IPC at Police Station Division No.5, Civil Line, District Ludhiana City, 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, vide order dated 05.05.2015, 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:-

“2. As directed statement of complainant Som Nath aged about 50 years son of Sansar Chand, resident of H.No.3094/1, St. No.5, Labour Colony, Ludhiana, on identification of Sh. Puneet Chhabra, Advocate was recorded. Complainant has categorically stated that impugned FIR was registered on his statement against the accused persons namely Shimla Devi, Thakur Singh, Gagandeep Singh and Paras Ram and now with the intervention of respectables the compromise has been effected with accused persons and compromise Ex.CA was executed which is correct and bears his signatures and the same is result of his free consent. He further stated that he had entered into said compromise voluntarily and do not want to pursue any kind of criminal proceedings against the accused persons and FIR lodged against the accused be quashed.

3. Similarly, accused Shimla Devi widow of late Naunihal Singh, r/o H.No.899, St. No.1, Bhai Himmat Singh Nagar, Ludhiana, Thakur Singh son of Prem Chand, resident of H.No.781, Manjit Nagar, Ludhiana, Gagandeep Singh son of Paras Ram, r/o H.No.98, Lajpat Nagar, Ludhiana and Paras Ram son of Gopal Dass r/o H.No.98, Lajpat Nagar, Ludhiana on identification of Sh. Chhinder Pal Advocate have also suffered joint statement that impugned FIR was registered against them on the statement of complainant Som Nath son of Sansar Chand and now the matter stands compromised vide compromise deed Ex.CA with intervention of respectables and said compromise is the result of their free consent and they have entered into this compromise without any coercion and threat.

4. In view of statement of complainant and accused it is apparent

that the matter has been compromised between the parties. Who had entered into compromise Ex.CA voluntarily, without any inducement, threat or promise and admitted the validity of said compromise. Complainant has no objection in quashing the impugned FIR. In light of the statements recorded by the parties, the compromise Ex.CA between the parties is result of free volition of the parties and genuine, without any pressure or coercion.”

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

March 31, 2016
'Rajpal'