

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-36299-2015 (O & M)

Date of decision:02.06.2016

Dalbir Singh and ors.

...Petitioner(s)

Versus

State of Punjab and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. V.D. Sharma, Advocate,
for the petitioners.

Mr. Ankur Jain, AAG, Punjab.

Mr. Ashok Kumar Sharma, Advocate,
for respondents No.2 to 7.

Rajan Gupta, J. (oral)

Petitioners have filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.39 dated 17.05.2014, registered under sections 324/323/148 and 149 IPC at Police Station Kheri Gandian, Distt. Patiala, 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 while issuing notice of motion 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:-

“I have the honour to submit that this Court had received an order passed by the Hon'ble Punjab & Haryana High Court, Chandigarh, in Crl. Misc. M-36299 of 2015 dated 21.10.15 whereby this Court was directed to record the statements of the parties regarding the matter having been compromised in case bearing FIR No.39 dated 17.05.14, u/s 324, 323, 148 and 149 IPC, P.S. Kheri Gandiya, and to send a report accordingly and in compliance with the same, both the parties appeared before this Court on 06.11.15 and both the parties were specifically asked whether they entered into compromise on their free will to which they replied in affirmative and recorded their statements to that effect. As per the specific queries by Hon'ble High Court, the report is as under:-

1. As per record, 10 number of persons arrayed as accused in FIR.
2. As per record, no accused has been declared as PO.
3. Both the parties were specifically asked whether they entered into compromise on their free will to which they replied in affirmative and recorded their statements to that effect.

In view of the statements so suffered by the parties, this Court is of the considered view that the parties have arrived at a compromise voluntarily. The requisite report is accordingly submitted please, for onward transmission to the Hon'ble High Court. Photocopies of the statements so recorded are enclosed herewith, for kind perusal please.”

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.

02.06.2016
sukhpreet

(RAJAN GUPTA)
JUDGE