

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM M-37269 of 2015

Date of decision : 09.02.2016

Sumit Pal Singh & anr.

....Petitioners

V/s

State of Punjab & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. M.S. Basra, Advocate for the petitioners.

Mr. Shilesh Gupta, Addl. A.G. Punjab.

Mr. Ankit Duggal, Advocate for the complainant.

RAJAN GUPTA J.

Petitioners have filed this petition under section 482 Cr.P.C. seeking quashing of FIR No. 245 dated 01.09.2015 registered under sections 420/34 IPC at police station City Tarn Taran, District Tarn Taran 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 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:-

"In this regard a joint Statement of accused Sumitpal Singh and Amarjeet Singh Bajwa residents of Gandhi Chowk, Batala, District Gurdaspur was recorded to the effect that a compromise has been effected with the complainant in the abovesaid FIR. They further stated that they have no grievance with the complainant Gurpreet Singh. They have no objection if the abovesaid FIR may kindly be quashed against them.

Thereafter statement of complainant Gurpreet Singh, was recorded to the effect a compromise has been effected with the accused in the abovesaid FIR. He further stated that he has no grievance with the accused persons. He has no objection if the abovesaid FIR may kindly be quashed against the accused persons.

On 24.5.2015, statement of ASI Mukhtiar Singh No. 43 of Police Station City Tarn Taran was recorded, wherein he has stated that in the said FIR No. 245 dated 1.9.2015, there are two accused namely Sumitpal Singh and Amarjeet Singh, both residents of Gandhi Chowk, Batala and they are not declared as proclaimed absconders nor any other criminal case is pending against any of the accused in the police station City Tarn Taran.

From the statements of the accused and the complainant, it appears that compromise has been effected between the accused and the complainant

voluntarily, without any pressure. As such, along with statements of the parties, report is hereby submitted for your 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 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 FIR in question and the subsequent proceedings arising therefrom are quashed.

February 09, 2016

Ajay

(RAJAN GUPTA)
JUDGE