

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-37793-2015 (O & M)
Date of decision:10.03.2016

Gurcharan Singh Channi and ors.

...Petitioner(s)

Versus

State of Punjab and anr.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. J.S. Bhinder, Advocate,
for the petitioner(s).

Mr. Ankur Jain, AAG, Punjab.

Rajan Gupta, J. (oral)

Petitioners have filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.147 dated 04.11.2014, registered under Sections 420/120-B IPC at Police Station Moonak, District Sangrur, on the basis of compromise.

Learned counsel for the petitioners submits 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 submits 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, 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 compliance of Order dated 4.11.15 complainant Mukhtiar Singh and accused Gurcharan Singh Channi,

Bharpoor Singh and Jagdeep Singh have come present before this court and got their respective statements recorded with regard to the factum of compromise. Complainant Mukhtiar Singh s/o Ajmer Singh R/o Moonak, district Sangrur got his statement recorded whereby he consistently stated that he has arrived at a compromise in the present case FIR with the accused out of his free will without any inducement, threat, promise or coercion from any corner with the intervention of the respectables and has no objection if the present case FIR is quashed against the accused. The complainant has mentioned that the compromise has been affected in order to end bitterness and to restore the cordial relations between them.

Similarly, the accused persons namely Gurcharan Singh @ Channi S/o Sucha Singh R/o Moonak, Bharpur Singh S/o Isher Singh R/o Village Bhathuan and Jagdeep Singh s/o Karamjit Singh R/o Village Dudian have also suffered their statements that they have effected compromise with the complainant with the intervention of respectables in order to restore cordial relations between the parties.

The undersigned has carefully gone through the statements got recorded by the complainant, eyewitnesses and the accused. Ex-facie, it transpires from the statements of the parties (recorded before the undersigned) that they have arrived at compromise with their free volition, without any inducement, threat, promise, coercion or undue influence from any quarter. Apparently, the compromise has been genuinely arrived at to eliminate bitterness and acrimony between the parties and in order to restore cordial relations since the parties belong to same place and the same is without any pressure or coercion of any kind.

Further, the undersigned was asked to intimate as to whether any criminal case is pending against either of the parties or not. In this regard, report of Additional Ahlmad Ajay Kumar was called, who has suffered a statement that as per the record accused Jagdeep Singh is an accused in case FIR

No.134 dated 11.10.2014, under Sec. 341, 506 and 148 IPC, P.S. Moonak and in case FIR No.9 dated 20.1.2014, under Sections 452, 323, 506, 148 and 149 IPC, P.S. Moonak. Ajay Kumar has further stated that as per the record, no other criminal case is pending against the remaining accused i.e. Gurcharan Singh @ Channi and Bharpur Singh S/o Ishar Singh except the present case FIR No.147 dated 04.11.2014 under Section 420 & 120-B IPC. Hence, this report. Photocopies of the statements are enclosed herewith for kind perusal.”

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.

10.03.2016
sukhpreet

(RAJAN GUPTA)
JUDGE