

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.40634 of 2013

Date of Decision:14.01.2016

Harmanjit Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: **HON'BLE MR. JUSTICE RAJAN GUPTA**

Present: Mr.P.S.Dhaliwal, Advocate,
for the petitioners.

Mr.Aditya Sanghi, Addl. Advocate General, Punjab.

Mr.Lakhwinder, Advocate,
for respondent No.2.

Rajan Gupta, J.(oral)

Petitioners have filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.71 dated 03.06.2010 registered under Sections 336, 506, 34 IPC & Sections 25 & 27 of the Arms Act at Police Station Tapa Mandi, District Barnala, 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 Versus State of Punjab, 2007(3) RCR(Cr.) 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 on December 05, 2014, 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. The operative part thereof reads thus:-

“It is respectfully submitted that the statement of the complainant Baljit Singh along with statement of accused Baljinder Singh, Harmanjit Singh and Kamaljit Kaur in case FIR No.71 dated 3.6.2010 u/ss 336/506/34 IPC and u/s 30/27/54/59 of Arms Act, Police Station Tapa have been recorded. The complainant party has suffered the statement that he has effected compromise with the accused with intervention of respectables and he does not want to proceed with the case against the accused. Similar statement has been suffered by the accused to the effect that they have effected the compromise with the complainant party i.e. Balwinder Singh which is voluntarily. The parties have been identified by their respective counsel.

This, court, after hearing the parties in persons along with their counsel and after going through the statements recorded in the court, is of the opinion that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence and statements recorded by the complainant party as well as accused are not the result of any pressure and coercion. The statements recorded by the parties are enclosed herewith.”

However, after registration of FIR, investigative machinery

was set into motion and considerable court time was also wasted. Thus, costs of proceedings need to be imposed. Parties shall pay ₹20,000/- as costs to be deposited with Punjab State Legal Services Authority. Needless to observe that costs shall be shared equally by the petitioners and respondent No.2.

Resultantly, present petition is allowed. FIR in question and subsequent proceedings arising therefrom are quashed subject to aforesaid condition.

(RAJAN GUPTA)
JUDGE

January 14, 2016
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