

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

CRM M-38033 of 2015

Date of decision : 18.01.2016

Gulzar Singh

....Petitioner

V/s

State of Punjab & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Jagmeet S. Moudgill, Advocate for the petitioner.

Ms. Rajni Gupta, Addl. A.G. Punjab.

Mr. J.S. Bhinder, Advcoate for respondent no. 2.

RAJAN GUPTA J.

Petitioner has filed this petition under section 482 Cr.P.C. seeking quashing of FIR No. 108 dated 05.08.2015 registered under sections 420/406 IPC at police station Dirba, district Sangrur 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. Besides, State has already

submitted a cancellation report on 07.11.2015 before the competent court.

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:-

"Complainant Karnail Singh @ Jarnail Singh has suffered statement that FIR 108 dated 05.08.2015 under sections 420, 406 IPC Police Station Dirba was registered on his statement against the accused and he has compromised the matter with the accused and the compromise is voluntarily and with free will and without any coercion undue influence or fear and he has no objection if present FIR is quashed.

Accused Gulzar Singh has suffered statement that he has compromise with the complainant and the compromise is voluntarily with free consent and without any coercion undue influence or fear.

I am satisfied that compromise arrived at between the parties is voluntarily with free consent. The original statement of Sh. Ashwani Kumar Jindal, Advocate, statement of complainant and statement of accused, power of attorney of Sh. Ashwani Kumar Jindal, Advocate as mentioned above are attached herewith."

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.

January 18, 2016

Ajay

(RAJAN GUPTA)
JUDGE