

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.

CRM-M-38302-2014 (O&M)

Date of decision: March 29, 2016

AMRITA PRITAM KAUR AND ANR

...Petitioners

Versus

STATE OF PUNJAB AND ANR

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Satbir Rathore, Advocate for the petitioners.

Mr. Shilesh Gupta, Addl. Advocate General, Punjab.

Mr. Chander Kant Thakur, 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.70 dated 22.06.2008, registered under sections 452, 324, 323, 148, 149 IPC at Police Station Dasuya, District Hoshiarpur, 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.

An affidavit has also been filed on behalf of the State, wherein it has been stated that Lakhwinder Singh appeared before the trial court on 20.12.2014 and made a statement affirming the statement of the complainant. He 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.

Admittedly, a cancellation report was already prepared by the investigating agency but was not accepted on the ground that complainant was not available in the country. However, keeping in view the fact that now statements of the parties have been recorded, 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.

(RAJAN GUPTA)
JUDGE

March 29, 2016
'Rajpal'