

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.

CRM-M-38303-2014 (O&M)

Date of decision: March 29, 2016

LAKHWINDER SINGH @ LAKHI & ORS. ...Petitioners

Versus

STATE OF PUNJAB AND ANR ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Chanderkant Thakur, Advocate for the petitioners.
Mr. Shilesh Gupta, Addl. Advocate General, Punjab.
Mr. Satbir Rathore, Advocate for respondent No.2.

Rajan Gupta, J.(oral)

Petitioners have filed this petition under Section 482 Cr.P.C. seeking quashing of cross case i.e. Rapat No.23 dated 22.06.2008, under sections 452, 323, 148, 149, 506 IPC in FIR No.70 dated 22.06.2008, registered 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 cross case 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 cross case.

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:-

“So, taking into consideration the statements of complainant as well as of the accused/petitioners, it is clear that the parties have effected compromise with their own will and without any pressure and the compromise is genuine. Accordingly, in my opinion, a valid compromise has been effected between the parties, which compromise is genuine and without any pressure. Further, as per report of Ahlmad, no P.O. Proceedings are pending against any party but a criminal complaint titled as “Amrita Pritam Kaur Vs. Mehar Singh & Others” under Sections 447, 427, 506, 149 of IPC is p ending against Mehar Singh and Paramjit Singh in the court of Shri Akbar Khan, PCS, Judicial Magistrate, Dasuya.”

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 cross case 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 cross case in question and the subsequent proceedings arising therefrom are quashed.

(RAJAN GUPTA)
JUDGE

March 29, 2016
'Rajpal'