

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.

CRM-M-39197 of 2015

Date of decision: February 17, 2016

Sapna and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Davinder Pal Soni, Advocate for the petitioners.

Mr. Ankur Jain, AAG, Punjab.

Mr. Abhinav Sood, 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 vide DDR No.47 dated 21.07.2015, registered under sections 452/323/34 IPC at Police Station Civil Lines, Bathinda in case FIR No.112 dated 21.07.2015, under Sections 328/323/34 IPC, P.S. Civil Lines, Bathinda, 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.

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 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:-

“Statement of complainant/respondent Gourav Singla son of Satpal Singla recorded and he stated that DDR No.47 dated 21.7.2015 in case FIR No.112 of 21.7.2015 was registered on his statement. Now he has effected compromise with the accused/petitioners with the intervention of respectables. He further stated that he has no objection if DDR No.47 dated 21.7.2015, under sections 452, 323, 34 IPC, P.S. Civil Lines, Bathinda in case FIR No.112 dated 21.7.2015 under sections 328, 323, 34 IPC, P.S. Civil Lines, Bathinda is quashed against the accused/petitioners, by the Hon'ble High Court. He has further stated that the present petition has been filed by all the accused persons. He was identified by his counsel Sh. Ishwinder Pal Singh, Advocate.

Accused/petitioners namely Sapna, Amarjeet Singh, Harpreet Singh and Sonu Kumar also recorded their joint statement with regard to the compromise effected between the parties. They further stated that present petition has been filed by all the accused persons and there is no other accused in the present DDR. They were identified by their Counsel Sh. Arvinder Singh, Advocate.

In view of the statements recorded by the parties, the compromise effected between the complainant and accused persons appears to be genuine and voluntary. Undersigned is of the view that the statements suffered by the parties are not the result of any pressure or coercion in any manner and compromise is valid. It has been further submitted that as per record and as per statements of parties, the present petition has been filed by all the accused persons and there is no other accused in the present FIR.

It has been further submitted that as per record, no accused has been declared as proclaimed offender in the present case. Photostat copies of statements of complainants as well as accused/petitioners are enclosed 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 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.

(RAJAN GUPTA)
JUDGE

February 17, 2016
'Rajpal'