

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M-39639 of 2015

Date of Decision: May 31, 2016.

Gurcharan Singh and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. M.J.S.Bedi, Advocate
for the petitioners.

Mr.Ankur Jain, AAG, Punjab

Mr.Bhanu Partap Singh, Advocate
for respondent Nos. 2 & 3.

Rajan Gupta, J (Oral)

Petitioners have filed this petition under Section 482 Cr.P.C seeking quashing of criminal complaint bearing No.20 dated 24.7.2010 registered under Sections 307, 323, 504, 506, 447, 148, 149 IPC pending in the court of Judicial Magistrate Ist Class, Phul alongwith summoning order (Annexure P/2) dated 30.11.2011 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 Vs. State of Punjab, 2007 (3) RCR (Crl.) 1052**, learned counsel submit that in view of compromise, the

impugned complaint deserves to be quashed.

Learned State counsel does not dispute the ratio of judgment in **Kulwinder Singh's** case supra and submit that in case a compromise is arrived at between the parties the State shall not stand in the way of quashing of criminal complaint.

Heard

It appears that on 1.2.2016, 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:-

“The complainant Harjinder Singh and Ranjit Singh have suffered statements to the effect that they have compromised the matter with accused persons Gurcharan Singh son of Gurdit Singh, Jalour Singh son of Gurcharan Singh, Bikkar Singh son of Gurcharan Singh, Balkaran Singh son of Gurcharan Singh, Balvir Singh son of Jalour Singh, Jaspal Singh son of Jalour Singh, Jagsir Singh son of Bikkar Singh, Lakhvir Singh son of Balkaran Singh, Gurmail Kaur wife of Bikkar Singh and Rani Kaur wife of Jaspal Singh all residents of village Dhade with the intervention of respectables and village Panchayat and they further stated they have no objection if the criminal complainant No.20 dated 24.7.2010 under Section 323, 447, 504, 506 IPC is quashed. Accused Gurcharan Singh, Jalour Singh, Bikkar Singh, Balkaran Singh, Balvir Singh, Jaspal Singh, Jagsir Singh, Lakhvir Singh, Gurmail Kaur and Rani Kaur also suffered statements to the effect that the matter has been compromised with the intervention of the respectable. In view of the statements so suffered by the parties, this court is of the considered view that complainant Harjinder Singh and Ranjit Singh have arrived at a volunteer compromise with the accused persons. The requisite information is submitted please for onward transmission to Hon'ble Punjab and Haryana High Court. Photocopy of statement so recorded are enclosed herewith for kind perusal, please.”

The 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 criminal complaint 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 criminal complaint and summoning order in question and the subsequent proceedings arising therefrom are quashed.

(Rajan Gupta)
Judge

May 31, 2016.
BB