

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-41613-2014

Date of decision: May 27, 2016

Mehtab Singh & others

...Petitioners

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. N.K. Vadehra, Advocate for the petitioners.
Ms. Rajni Gupta, Addl. Advocate General, Punjab.

Rajan Gupta, J.(oral)

Petitioners have filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.42 dated 31.08.2014, registered under sections 324, 323 read with Section 34 IPC (subsequently added Section 326 IPC) at Police Station Qadian, District Batala, on the basis of compromise.

Learned counsel for the petitioners submits 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 submits 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:-

“In compliance with the order dated 05.12.2014 passed by the Hon'ble High Court in CRM-M-41613 of 2014, I have the honour to submit my report regarding compromise that on 19.01.2015, the parties appeared before the court of undersigned and the statements of complainant Narinder Singh son of Dharam Singh regarding compromise was recorded in the court of undersigned who was duly identified by Mohinder Singh Namberdar of village Kot Toder Mal, Tehsil Batala. Further the statements of the accused persons namely Mehtab Singh, Pritam Singh and Chanchal Singh regarding compromise were also recorded who were duly identified by Sh. Narinder Sharma, Advocate. Further as per the statement of the complainant he has compromised the matter with the accused persons with his free will and without any coercion or any pressure. Further, no other criminal case is pending against the parties. The original statements are also attached herewith. My report is submitted accordingly.”

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