

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-42091-2015 (O & M)
Date of decision:02.06.2016

Adarshveer Singh @ Binda

...Petitioner(s)

Versus

The State of Punjab and anr.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Madan Sandhu, Advocate,
for the petitioner.

Mr. Ankur Jain, AAG, Punjab.

Rajan Gupta, J. (oral)

Petitioner has filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.4 dated 27.01.2012, registered under sections 323, 324, 148, 149 and 506 IPC at Police Station Kartarpur, District Jalandhar, Punjab, on the basis of compromise.

Learned counsel for the petitioner 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:-

“Accused person namely Adarshveer Singh @ Binda son of Mohinder Singh Mindi R/o Village Khanke, Fatehgarh, Jalandhar stated that the matter has been compromised with the complainant with the intervention of respectables of the locality and friends and he has filed quashing petition CRM-M-42091 of 2015 before the Hon'ble Punjab & Haryana High Court at Chandigarh for quashing FIR No.4 dated 27.01.2012 Under Sections 323, 324, 148, 149, 506 IPC registered at P.S. Kartarpur, Jalandhar, which is pending for 22.03.2016. Accused person further stated that the matter has been voluntarily compromised with the complainant and said compromise is genuine and arrived at with my free consent and without any pressure, coercion, undue influence and inducement. He has also heard the statement of complainant in the court which is true. Accused further stated that there is no other criminal proceeding is pending between them.

In view of statements given by complainant Jaswinder Singh son of Jarnail Singh Resident of Village Khanke, Fatehgarh, P.S. Kartarpur, District Jalandhar and accused person namely Adarshveer Singh @ Binda son of Mohinder Singh Mindi R/o Village Khanke, Fatehgarh, Jalandhar, this Court is of the considered opinion that compromise between the parties is genuine and it is effected voluntarily without any pressure, coercion or undue influence from any quarter and there is no other criminal proceeding is pending against either of the parties till today.”

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.

Learned State counsel submits that investigating agency has also filed cancellation report before the competent court.

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.

02.06.2016

sukhpreet

**(RAJAN GUPTA)
JUDGE**