

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM M-42800 of 2014

Date of decision : 19.02.2016

Balwinder Singh @ Nagi

....Petitioner

V/s

State of Punjab & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. K.S. Chahal, Advocate for the petitioner.

Mr. Shilesh Gupta, Addl. A.G. Punjab.

RAJAN GUPTA J.

Petitioner has filed this petition under section 482 Cr.P.C. seeking quashing of FIR No. 348 dated 28.11.2009 registered under sections 452, 324, 323, 427, 148 & 149 IPC at police station City Sangrur, District Sangrur 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 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 on 15.12.2014, 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:-

"With reference to the subject cited above, I have the honour to submit that vide order dated 15.12.2014 passed by Hon'ble Punjab and Haryana High Court, Chandigarh, this Court has been directed to record the statements of the parties on the terms of written compromise, report regarding the genuineness of the compromise being arrived at between the parties. So, in view of the above order, statements of complainant Nirmal Singh @ Babu Singh, accused Balwinder Singh and Hardeep Singh @ Tanny have been recorded with regard to the compromise in the Court.

Complainant Nirmal Singh @ Babu Singh has stated that he got registered the FIR in question against accused Balwinder Singh and Tanny @ Hardeep Singh. He has compromised the matter voluntarily with accused Balwinder Singh and Tanny @ Hardeep Singh without any pressure, threat or coercion. He proved the compromise as Ex. CX. He has also stated that he has no objection, if the FIR is quashed by the Hon'ble High Court against accused Balwinder Singh and Tanny @ Hardeep Singh.

Similarly, accused Balwinder Singh and Hardeep Singh @ Tanny have stated that they have compromised the matter voluntarily with complainant Nirmal Singh @ Babu Singh without any pressure, threat or coercion. They also identified their signatures on compromise Ex. CX and prayed for quashing the FIR against them. The compromise as per statements of complainant Nirmal Singh @ Babu Singh, accused Balwinder Singh and Hardeep Singh @ Tanny has been arrived at voluntarily

and without any pressure, threat and coercion between complainant Nirmal Singh @ Babu Singh, accused Balwinder Singh and Hardeep Singh @ Tanny. The original statements of complainant Nirmal Singh @ Babu Singh, accused Balwinder Singh, Hardeep Singh @ Tanny and original compromise Ex. CX 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 above, the present FIR 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 FIR in question and the subsequent proceedings arising therefrom are quashed.

February 19, 2016

Ajay

(RAJAN GUPTA)
JUDGE