

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-Nos.23527-28 of 2015 in/and
CRM-M-4765 of 2014 (O&M)
Date of Decision: February 08, 2016.

Sadiq Khan and another

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. HPS Ghuman, Advocate
for the petitioners.

Mr.Ankur Jain, AAG, Punjab

Mr.R.B.Gupta, Advocate
for Mrs.Hem Lata Thakur, Advocate
for the complainant.

Rajan Gupta, J (Oral)

CRM-23527 of 2015

This is an application for placing on record affidavit of Jeeto widow of Rafiq Khan. For the reasons stated in the application, same is allowed. Affidavit is taken on record.

CRM-23528 of 2015

This is an application for impleadment of L.Rs of the complainant (respondent Nos. 5 to 8) in the array parties. For the reasons stated in the application, same is allowed. Amended memo of parties is taken on record.

CRM-M-4765 of 2014

Petitioners have filed this petition under Section 482 Cr.P.C seeking quashing of F.I.R No. 179 dated 29.5.2009 registered under

Sections 341, 323, 325, 34 IPC at Police Station, Tripri Town, Patiala District, Patiala 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 (CrI.) 1052**, learned counsel submit that in view of compromise, the impugned F.I.R 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 F.I.R.

Heard

It appears that on 18.7.2014 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:-

“Consequently, accused namely Sadiq Khan and Soni Khan and other party from the side of the complainant Jeeto, Billa Khan and Soni Khan have appeared before the court on 24.7.2014 and got their statements recorded that the matter has been compromised between them as per Ex.PA and the said compromise has been executed without any pressure and undue influence and same has been with their free will.

From the statements of the parties, it appears to me that compromise entered into between the

parties is genuine one and the same has been executed between the parties out of their free will and consent without any threat or pressure. Thus, this report is being submitted in compliance of the aforesaid order of Hon'ble High Court dated 18.7.2014 passed in Criminal Misc.No.-M-4765 of 2014 (O&M).

Attested copies of statements of all the concerned parties recorded in the court are also being sent herewith for kind perusal of the Hon'ble High Court.”

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 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 F.I.R in question and the subsequent proceedings arising therefrom are quashed.

(Rajan Gupta)
Judge

February 08, 2016.
BB