

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

CRM M-517 of 2016

Date of decision : 11.05.2016

Krishan Singh

....Petitioner

V/s

State of Punjab & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. B.P. Singh Gill, Advocate for the petitioner.

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

Mr. B.K. Sharma, Advocate for respondent no. 2.

RAJAN GUPTA J.

Petitioner has filed this petition under section 482 Cr.P.C. seeking quashing of FIR No. 233 dated 17.10.2014 registered under sections 279/337/338/427 IPC at police station Samrala, District Khanna 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 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 reference to the subject cited above, and in pursuance to the order of Hon'ble High Court dated 4.2.2016 passed in CRM M No. 517 of 2016, I have the honour to submit that in pursuance with the directions of Hon'ble High Court, Vaneet Sharma, complainant and accused Krishan Singh appeared in the Court of undersigned on dated 11.2.2016 and got recorded their statements to the effect that they have compromised the matter in dispute, voluntarily and complainant has no objection if the FIR of the case is quashed by Hon'ble High Court. However, they did not place on record any written copy of compromise on record. The point wise report as sought by Hon'ble High Court is submitted as below:-

- (i) The FIR in question is registered against unknown person.*
- (ii) Challan has been presented only against accused Krishan Singh.*
- (iii) The compromise is genuine, voluntarily and without any coercion or undue influence.*

The report, along with original statement of parties are submitted to your goodself for your kind intimation and for onward transmission to the Hon'ble Punjab and Haryana High Court."

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.

May 11, 2016

Ajay

(RAJAN GUPTA)
JUDGE