

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M- 9167 of 2015

Date of Decision: May 23, 2016.

Joginder Pal and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. P.K.Garg, Advocate
for the petitioners.

Mr.Ankur Jain, AAG, Punjab

Mr.Ritesh Pandey, Advocate
for respondent No.2.

Rajan Gupta, J (Oral)

Petitioners have filed this petition under Section 482 Cr.P.C seeking quashing of DDR No.25 registered under Sections 326, 323, 341, 148, 149 IPC in FIR No.30 dated 8.5.2014 under Sections 324, 323, 34 IPC at Police Station, Tibber, District, Gurdaspur 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 25.3.2015, 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:-

“Thereafter, separate statement of accused namely Joginder Pal son of Chuni Lal, Mahinder Lal s/o Chunni Lal, Vijay Kumar s/o Kishan Chand, Puran alias Bhota s/o Joginder Pal all residents of village Bagwan, P.S.Tibber, District Gurdaspur have been recorded, wherein they have stated the present case FIR No.30 dated 8.5.2014 under Sections 324, 323, 34 IPC was registered in police station, Tibber against the other party and cross version case vide DDR No.25 dated 8.5.2014 under Sections 326, 323, 341, 148, 149 IPC was registered against them on the statement of Joginder Singh son of Bawa Singh resident of Bagwan P.S.Tibber, District, Gurdaspur. Now with the intervention of the respectable of the village the matter stands compromised between them.

From the above referred statements, it appears that in the above case FIR No.30 dated 8.5.2014 under Sections 324, 323, 34 of IPC was registered in police station, Tibber against the other party and cross version case vide DDR No.25 dated 8.5.2014 under Sections 326, 323, 341, 148, 149 of IPC, P.S.Tibber, a compromise has been effected between the complainant and accused persons, which is genuine and outcome of the free consent of the parties and is without coercion, threat or undue influence.”

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 DDR 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 DDR in question and the subsequent proceedings arising therefrom are quashed.

(Rajan Gupta)
Judge

May 23, 2016.
BB