

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.

CRM-M-35310-2019 (O&M)

Date of decision: February 28, 2020

Vandana and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Mohinder Kumar, Advocate for the petitioners.

Mr. Harpreet Multani, AAG, Punjab.

Mr. Rajesh Bansal, Advocate for respondents No.2 to 4.

Ashok Kumar Verma, J.(oral)

Petitioners have filed this petition under Section 482 Cr.P.C. seeking quashing of Cross-case/DDR No.26 dated 09.01.2016, registered under Sections 323, 379, 356, 34 IPC at Police Station Naya Gaon, District SAS Nagar (Mohali) against the petitioners, in FIR No.0002 dated 06.01.2016, registered under sections 323, 379-A and 34 IPC at Police Station Naya Gaon, District S.A.S. Nagar (Mohali), on the basis of compromise.

Learned counsel for the parties submit 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 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 vide order dated August 28, 2019, 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:-

“The statements of the complainant and injured Chander Kala, Ramesh Chander, Vijay Kumar, Neha, Rajni and Baljeet Singh and accused persons namely, Vandana, Vijay Kumar, Nirmal Devi and Jagjit Kumar have been recorded by the Court as per the directions of the Hon'ble High Court vide order dated 28.08.2019. Complainant and injured Chander Kala, Ramesh Chander, Vijay Kumar, Neha, Rajni and Baljeet Singh have suffered a joint statement that they have compromised the matter in dispute with the accused persons namely Vandana, Vijay Kumar, Nirmal Devi and Jagjit Kumar and the compromise is without any fear and pressure, coercion or undue influence. They further placed on record the copy of Compromise Deed on record. They further stated that the present FIR may kindly be quashed. They further stated that except the present case, no other case is pending between them and there is no other accused in the present FIR, who has been declared proclaimed person. They further stated that they have no objection, if the present FIR is quashed by the Hon'ble High Court. They have also placed on record the copy of compromise as Ex.C1 and copies of their Identity Cards as Ex.C2 to Ex.C4. Same statement has been recorded by the appearing accused persons. They have also placed on record, copy of compromise as Ex.C1 and copies of their Identity Cards as Ex.C5 to C8.

However, this Court is satisfied after examining the parties

personally that compromise is genuine and correct and the parties are not under any pressure, threat, undue influence etc. and are making compromise out of their free will. Further, as per the statement of the complainants, no accused has been declared as proclaimed offender/person. In this regard, statements of the parties are also recorded by this Court and the same are sent herewith for your kind perusal.”

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 the above, the present Cross-case in the aforesaid 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 Cross-case/DDR No.26 dated 09.01.2016 in the aforesaid FIR in question and the subsequent proceedings arising therefrom are quashed.

(ASHOK KUMAR VERMA)
JUDGE

February 28, 2020
'Rajpal'

Whether speaking / reasoned	Yes / No
Whether Reportable:	Yes / No