

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.

CRM-M-44900-2019 (O&M)

Date of decision: February 28, 2020

Sandeep Kumar and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Rahul Rampal, Advocate for the petitioners.
Mr. Harpreet Multani, AAG, Punjab.
Mr. Angrej Singh Sohal, Advocate
for respondents No.2 to 9.

Ashok Kumar Verma, J.(oral)

Petitioners have filed this petition under Section 482 Cr.P.C. seeking quashing of FIR No.78 dated 16.08.2014, registered under sections 452, 323, 506,504, 148, 149 IPC at Police Station Gidderbaha, District Muktsar, 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 22.10.2019, 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:-

“This court is of the considered opinion that the compromise between complainant Raj Kumar alias Jangi, witnesses Mukesh Kumar, Mamta Rani, Aasha Rani, Raju, Sanjay, Batheri Devi, Ajay Kumar Itkan on one side and accused Sandeep Kumar and Gurpal Singh, on the other side has been arrived at voluntarily without any pressure with their free will and same is genuine one. It is also respectfully submitted that challan has been presented in the above said case and both the above named accused are on anticipatory bail and none of them is declared as proclaimed offender in this case. As such the compliance report alongwith statements of the parties is hereby submitted please.”

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

(ASHOK KUMAR VERMA)
JUDGE

February 28, 2020
'Rajpal'