

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.

CRM-M-45971-2019 (O&M)

Date of decision: February 28, 2020

Raj Kumar & others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Manvir Singh, Advocate for
Ms. Anu Sharma, Advocate for the petitioners.
Mr. Harpreet Multani, AAG, Punjab.
Mr. Rahul Rampal, Advocate for respondents No.2 & 3.

Ashok Kumar Verma, J.(oral)

Petitioners have filed this petition under Section 482 Cr.P.C. seeking quashing of cross-case/DDR No.16 dated 16.12.2014 (Annexure P-1) under Sections 324/325/148/149 IPC, registered at Police Station Gidderbaha, District Muktsar in FIR No.78 dated 16.08.2014, under Sections 452/323/506/504/148/149 IPC, registered 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 31.10.2019, 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:-

“Complainant Sandeep Kumar and eye witness Gurpal Singh have made statements that they have compromised matter in this above said FIR with accused (1) Raj Kumar, (2) Ajay Kumar Itkan, (3) Batheri Devi, (4) Sanjay, (5) Raju, (6) Aasha Rani, (7) Mamta Rani, (8) Mukesh Kumar voluntarily with their free will, without undue influence and pressure with intervention of respectable persons of area. Similarly, accused Raj Kumar, Ajay Kumar Itkan, Batheri Devi, Sanjay, Raju, Aasha Rani, Mamta Rani, Mukesh Kumar have made separate statement to the effect that they have compromised the matter with complainant Sandeep Kumar and eye witness Gurpal Singh. Both the parties have been duly identified in the Court. Both parties have no grudge against each other.

This Court is of the considered opinion that the compromise between complainant Sandeep Kumar, eye witness Gurpal Singh on one side and accused Raj Kumar, Ajay Kumar Itkan, Batheri Devi, Sanjay, Raju, Aasha Rani, Mamta Rani, Mukesh Kumar, 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 this case wherein all the above named accused are on anticipatory bail and none of them is declared as proclaimed offender in this case.

It is also respectfully submitted that as per challan, same is presented in D.D.R. No.16 dated 21.08.2014.”

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/DDR No.16 in FIR No.78 dated 16.8.2014 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 in the aforesaid FIR and the subsequent proceedings arising therefrom are quashed.

(ASHOK KUMAR VERMA)
JUDGE

February 28, 2020
'Rajpal'