

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-10994 of 2014

Date of Decision: 8.7.2015

Rohit Kumar Joshi and Another

... Petitioner(s)

Versus

State of Punjab and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Darshan Singh.

Present: Mr. Deepak Bhardwaj, Advocate
for the petitioner(s).

Mr. Jasanpreet Singh, Assistant Advocate
General, Punjab for respondent No.1.

Mr. Naginder Singh Vashist, Advocate
for respondent No.2.

Darshan Singh, J.

1. The present petition has been filed by the petitioner under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C.") for seeking quashing of FIR No. 31 dated 8.3.2011, registered under Sections 382 & 34 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station Kharar, District S.A.S.Nagar and all the subsequent proceedings on the basis of the compromise deed (Annexure P2).

2. Vide order dated 13.2.2015, a Co-ordinate Bench of this Court has directed the parties to get their statements recorded before the trial Court. The trial Court was also directed to send his/her report with regard to the validity or otherwise of the compromise after recording the statements of the concerned parties.

3. In compliance of the aforesaid order, report has been received from the learned Judicial Magistrate Ist Class, Kharar through the learned District & Sessions Judge, Rupnagar along with the copies of the statements of the parties. In the report, it is stated that the

compromise, effected between the parties, appears to be genuine and correct. He further stated that neither any case is pending between the parties nor any proclaimed offender proceedings are pending against any of them in the present case.

4. Learned counsel for the petitioners contended that the parties have amicably resolved the dispute and the continuation of the proceedings will be an abuse of the process of the Court. The compromise, between the parties voluntarily and with their free will, should be given due weightage and the present proceedings should be quashed. To support his contentions, he relied upon the judgments rendered by the Hon'ble Apex Court in ***Gian Singh v. State of Punjab & Another 2012(4) R.C.R. (Criminal) 543*** and ***Shiji alias Pappu & Others v. Radhika & Another 2012(1) R.C.R. (Criminal)9 (SC)*** and also by Full Bench of this Court in ***Kulwinder Singh & Others v. State of Punjab & Another 2007(3) R.C.R. (Criminal)1052***.

5. The factum regarding compromise between the parties has also not been disputed at bar by the learned State counsel. Learned counsel for respondent No.2 has also fairly conceded that in view of the compromise effected between the parties, the complainant/victim has no objection if the impugned FIR and the consequential proceedings are quashed.

6. The petitioners have been indicted as accused for the offences punishable under Sections 382 & 34 IPC on the complaint made by respondent No.2-Mollu Ram that on 8.3.2011, his employee Rohit Kumar Joshi informed him that a sum of ₹ 3,00,000/- from him by four young persons at village Bhago Majra Liquor Vend and beaten him. But the complainant could not believe his version and did not show any injury to him. Thus, the complainant stated that he has a firm belief that Rohit in connivance with his friend Mohar Singh had concocted a false story and had misappropriated the aforesaid amount.

7. From the statements of the complainant as well as of the petitioner recorded by the learned Judicial Magistrate and his report, it comes out that both the parties have voluntarily and with their free

consent without any inducement, threat or promise, sorted out their dispute and have effected compromise. The copy of the compromise deed has already been placed on record as Annexure P2.

8. Taking into consideration these facts, this Court is of the opinion that the ultimate chances of conviction of the petitioners are bleak. Therefore, the pendency of FIR and continuation of the proceedings would be a sheer abuse of the process of law.

9. Thus, in view of the factum of the compromise and the law laid down by the Hon'ble Apex Court and also the Full Bench of this Court in the cases referred to above, this petition is hereby allowed. FIR No. 31 dated 8.3.2011, registered under Sections 382 & 34 IPC at Police Station Kharar, District S.A.S.Nagar and all the consequent proceedings arising therefrom are hereby quashed. If the case has already been decided by the trial Court, then this order will be of no effect.

(Darshan Singh)
Judge

July 8, 2015

“DK”