

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18079-2015
Date of Decision: August 31, 2015

Sanjeev Verma and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Amit Dhawan, Advocate,
for the petitioners.

Mr. P.S. Paul, DAG, Punjab,
for respondent No. 1.

Mr. Mandeep Singh, Advocate,
for Mr. Sartaj Singh Thakur, Advocate,
for respondent No. 2.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J. (Oral)

The present petition under Section 482, Cr.P.C., has been filed by Sanjeev Verma son of Raj Kumar and Abhishek @ Abhi son of Brij Bhushan, for quashing of FIR No. 79 (Annexure P-1), dated 12.5.2014, for the offences punishable under Sections 380 and 457, IPC, registered at Police Station, Sadar, Jalandhar, and all the consequential proceedings arising therefrom, on the basis of

compromise (Annexure P-2).

Vide order dated 9.7.2015, the affected parties were directed to appear before the learned Trial Court for getting their respective statements recorded with regard to the compromise. The said Court was also directed to send a report alongwith statements of the parties with regard to validity of the compromise effected between the parties to this Court on or before the adjourned date.

In compliance thereof, both the petitioners as well as respondent No. 2/informant, Raj Kumar, did appear before learned Additional Chief Judicial Magistrate, Jalandhar, on 20.7.2015 and got recorded their respective statements with regard to the compromise.

The report alongwith statements of the parties in original, has been received. In his statement, respondent No. 2/informant, Raj Kumar, stated as under:-

“ I have compromised the matter with the accused and hence, I do not want to pursue the case FIR No. 79, dated 12.05.2014, u/s 457/380 IPC, PS Sadar, Jalandhar. Nothing more is required to be recovered. I have no objection if the petition for quashing the FIR No. 79, dated 12.05.2014 u/s 457/380 IPC, PS Sadar, Jalandhar is allowed and the accused Sanjeev Verma son of Raj Kumar, resident of Deep Nagar, Near Raj Restaurant, Jalandhar Cantt and

Abhishek @ Abhi son of Sh. Brij Bhushan, resident of 109-B, Rasila Nagar, Jalandhar, present in the Court are acquitted. The compromise has been made by me voluntarily and without any undue pressure or coercion from any quarter. I have no other case pending against the accused.”

The report received from learned Additional Chief Judicial Magistrate, Jalandhar, reveals that a genuine compromise was effected between the parties and there was no undue influence or coercion from any side. It was further stated in the report that the petitioners were not required in any other case except the case in hand.

Learned proxy counsel for respondent No. 2/informant states at the bar that he has instructions to submit that respondent No. 2, Raj Kumar, has no objection if the impugned FIR and consequential proceedings emanating therefrom are quashed on the basis of the compromise (Annexure P-2).

Learned counsel for the State on instructions from HC Brij Lal of Police Station, Sadar, Jalandhar, submits that as per material available on record, petitioner No. 1, Sanjeev Verma, in connivance with his co-accused/petitioner No. 2, Abhishek @ Abhi, had committed theft of the property belonging to his own father, i.e. respondent No. 2/informant, Raj Kumar. Now, the private parties have resolved all their disputes and effected a compromise,

therefore, he has no objection if the impugned FIR and all the consequential proceedings are quashed on the basis of the compromise (Annexure P-2).

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

Petitioner No. 1, Sanjeev Verma, had committed the offence of theft of the property belonging to his father respondent No. 2, Raj Kumar. Now, the private parties have resolved the dispute and effected a compromise and, as such, the chances of ultimate conviction of the petitioners are bleak. The pendency of the impugned FIR and all the consequential proceedings emanating therefrom would be a sheer abuse of the process of law. The report alongwith statements of the affected parties received from learned Court below would reveal that respondent No. 2/informant has genuinely effected a compromise with the petitioners and he has no objection if the impugned FIR and consequential proceedings are quashed.

In the matter of **Gian Singh v. State of Punjab and another**, 2012 (4) R.C.R. (Criminal) 543 (SC), and the judgment of a 5-Judge Bench of this Court in the matter of **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052, it was ruled that in a petition under Section 482,

Cr.P.C., filed on the basis of compromise, even the non-compoundable offences can be permitted to be compounded and criminal proceedings may terminate.

Keeping in view totality of the facts and circumstances of the case and taking into consideration the ratio of the judgment of Hon'ble the Supreme Court delivered in the matter of **Gian Singh (supra)** and the judgment of a 5-Judge Bench of this Court in the matter of **Kulwinder Singh (supra)**, this petition is accepted and FIR No. 79 (Annexure P-1), dated 12.5.2014, for the offences punishable under Sections 380 and 457, IPC, registered at Police Station, Sadar, Jalandhar, and all the consequential proceedings arising therefrom are hereby quashed.

August 31, 2015
Pkapoor

(NARESH KUMAR SANGHI)
JUDGE