

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28794 of 2015
Date of Decision: 22.08.2016

Balwant Singh and others

.....Petitioners

Vs.

State of Haryana and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Vivek Aggarwal, Advocate, for the petitioners.

Ms.Mahima Yashpal, AAG Haryana.

Mr.Rao Ajender Singh, Advocate,
for the complainant/respondent No.2.

RITU BAHRI, J. (ORAL)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.467 dated 08.08.2015, for the offence under Sections 447, 457, 380 IPC registered at Police Station Jagadhari City, District Yamuna Nagar along with all consequential proceedings arising therefrom, on the basis of compromise dated 11.08.2015 (Annexure P-2).

It was alleged by the complainant that he was running a tailor shop at Jagadhri with name Expert Tailor. On 08.08.2015 when he came to his shop, he found locks of his shop were broken and some other locks had been placed on its place and display board of his shop was also changed and some other board had been installed. Clothes worth Rs.20 Lacs (Appx.) including ladies suits, lehangas, sarees and machinery worth about Rs.2 Lacs and Rs.40-50 thousand were placed in cash-box, and apart from this

necessary documents, cheque book, bank pass book and other important documents were also placed by the complainant in his shop. The complainant had full belief that the locks of his shop had been broken and all the goods and cash are stolen from his shop by the petitioners. On this background, the FIR was registered.

During the pendency of the trial, the matter has been resolved between the petitioners and respondent No.2-Sunil Kumar, vide compromise deed dated 11.08.2015 (Annexure P-2).

In compliance with the order dated 27.08.2015 passed by this Court, the parties got recorded their statements before the trial Court. Report from the ACJM, Yamuna Nagar at Jagadhri, has been received in this regard. As per report, Sunil Kumar-complainant and accused-petitioners appeared before the trial Court on 15.09.2015 for getting their statements recorded in support of the compromise. In this regard statements of complainant- Sunil Kumar and accused-petitioners were recorded to the effect that they have compromised the matter and Sunil Kumar-complainant has no objection if the present FIR is quashed against the accused/petitioners. Statements of accused-petitioners were also recorded to the same effect. In view of separate statements of the parties, the Court is satisfied that the compromise is valid and genuine one.

Consequently, in view of the status report and the judgment of the Hon'ble Supreme Court in the case of Madan Mohan Abbot vs. State of Punjab 2008(2) RCR (Criminal) 429, the law laid down by the Full Bench of this Court in the case of Kulwinder Singh and others Vs. State of Punjab and another 2007(3) RCR (Crl.) 1052, this Court is of the view that no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No.467 dated 08.08.2015, for the offence under Sections 447, 457, 380 IPC registered at Police Station Division Jagadhari City, District Yamuna Nagar, is quashed along with all consequential proceedings arising therefrom qua the petitioners.

The petition stands disposed of accordingly.

(RITU BAHRI)
JUDGE

22.08.2016
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