

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.43122 of 2015
Date of Decision : 15.07.2016**

Ram Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. H.P.S. Ghuman, Advocate
for the petitioners.

Mr. J.S. Brar, Asstt. Advocate General, Punjab
for respondent No.1-State.

None for respondent No.2.

FATEH DEEP SINGH, J.

Report dated 17.02.2016 has been received from learned Judicial Magistrate, 1st Class, Fatehgarh Sahib based on the statement of complainant-Taranjit Singh and accused-Ram Singh wherein both the sides have sought to testify on Oath that they have effected a compromise in this case by virtue of compromise deed (Annexure A) and have no objection if the FIR No.23 dated 14.02.2014 (Annexure P-2) registered under Sections 419, 420, 465, 467, 468, 471, 201, 120-B IPC with Police Station Fatehgarh Sahib is quashed along with all consequential proceedings arising therefrom.

Heard Mr. H.P.S. Ghuman, Advocate for the petitioners and
Mr. Jasjeet Dhaliwal, Deputy Advocate General, Punjab for respondent

No.1-State and perused the entire records of the case.

It is factually an admitted fact by the two sides that the FIR in question (Annexure P-2) got registered as a consequence of some dispute over a vehicle between the two brothers based on the claim and counter-claim of inheritance. It is as a sequel to the proceedings initiated in FIR (Annexure P-2) that the matter was being proceeded before the Court of law and it is on the basis of a letter and order dated 14.01.2014 passed by the Court of learned Chief Judicial Magistrate, Fatehgarh Sahib addressed to the Police Station Fatehgarh Sahib as to the loss of records from the Office of DTO, Fatehgarh Sahib pertaining to files regarding registration bearing No.PB-23-2201 to 2400, PB-2601 to 2800, PB-23D-6201 to 6400 and File No.PB-23-6193 (Year 2004) whereby SHO, Police Station Fatehgarh Sahib was directed to register FIR in the case and to conduct investigation.

It is during the course of these investigations, recommendations were made for registration of the FIR against certain officials of the DTO office Fatehgarh Sahib under Section 409 IPC.

Appreciating the submissions of counsel for the petitioner, the present case by way of FIR (Annexure P-2) is purely on the basis of dispute between the two brothers regarding the truck in question, in which the record which is lost and was summoned by the Court and therefore, the present dispute has not much relevance and effect on the subsequent proceedings got initiated on the direction of the Court of law. Thus, in view of the law laid down in "**Gian Singh Vs. State of Punjab and another**" **2012(4) RCR (Criminal) 543** and "**Kulwinder Singh and others Vs.**

State of Punjab and another" 2007 (3) RCR (Criminal) 1052, the prayer made in the petition is allowed, proceedings by way of FIR No.23 dated 14.02.2014 registered at Police Station Fatehgarh Sahib under Sections 419, 420, 467, 468, 471, 201, 120-B IPC and all consequences arising out of the said FIR *qua* the present petitioners are quashed.

However, it is made clear that this order shall not have any bearing on the investigations and registration of the case which is based on the letter and order dated 14.01.2014 of the learned Additional Chief Judicial Magistrate, Fatehgarh Sahib and it be ensured keeping in view that the public records have been embezzled and in light of the sensitivity of the issues and its likely repercussions and in the public interest, this Court deems it expedient to issue directions to the Senior Superintendent of Police, Fatehgarh Sahib to ensure that the same is investigated to its logical conclusion.

Meanwhile, the Illaqa Magistrate to ensure that the due recourse of law in such investigations are not compromised and thus, jeopardized by any collusion and contrivances.

The present petition as such stands disposed off. Copies be sent to concerned officials.

July 15, 2016
Dpr

(FATEH DEEP SINGH)
JUDGE