

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

**CRM No.M-914 of 2016 (O&M)
Date of Decision: October 27, 2016**

Sukhwinder Singh

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.N.P.S.Mann, Advocate
for the petitioner.

Mr.Neeraj Sharma, Addl. Advocate General, Punjab
for the respondent-State.

Mr.M.S.Saini, Advocate
for respondent No.2.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against respondents State of Haryana and Gurdeep Singh, for quashing of FIR No.61 dated 08.03.2008 under Section 409 IPC registered at Police Station Tarn Taran City, District Tarn Taran on the basis of the compromise dated 29.11.2014 arrived at between the parties.

Notice of motion was issued and learned State counsel as well as learned counsel for respondent No.2 appeared and contested the petition.

Learned counsel for respondent No.2 has stated that respondent No.2 has no objection if the FIR is quashed.

After hearing learned counsel for the parties as well as learned State counsel and after going through the record, I find that in para No.2 of the petition, it is stated that learned trial Court vide judgment dated

months and imposed a fine of ₹9000/- and in default of payment of fine, to undergo simple imprisonment of 2 months. It is argued that appeal is pending before learned Addl. Sessions Judge, Tarn Taran.

As per the allegations in the present case, the petitioner, who was Secretary of The Plasaur Cooperative Agriculture Society, has misappropriated 50 bags from Markfed in the name of said Society. Besides this, he has taken an amount of ₹8000/- from Satpal Singh and Rulda Singh, members of the Society and has also misappropriated the same. During the enquiry, it was found that Sukhwinder Singh, Secretary, has also taken the amounts from other persons, which have also not been deposited and have been misappropriated.

Learned counsel for the petitioner also argued that Secretary, Agriculture Society, does not fall in the definition of Public Servant and Section 409 IPC is not made out. On this argument, I find that this petition is not to be decided on merits as it has been filed on the basis of the compromise.

Keeping in view the facts and circumstances of the present case, nature and gravity of the offence, I do not find it a fit case where the petitioner is entitled for quashing of the FIR on the basis of the compromise, especially when the trial is already completed and he has been convicted and sentenced and the appeal is pending before Sessions Court.

Therefore, finding no merit in the present petition, the same is dismissed.

October 27, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No