

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-2442 of 2017 (O&M)

Date of decision: 21.03.2017

Sunil Kumar and others

.. Petitioners

Versus

State of Punjab and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: None for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

SURINDER GUPTA, J.(Oral)

The petitioners have filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No.6 dated 07.01.2017 (Annexure P-1) along with all consequential proceedings arising therefrom, registered for offence punishable under Section 381 Indian Penal Code (for short 'IPC') at Police Station City Kharar, District SAS Nagar, Mohali, on the basis of compromise dated 09.01.2017 (Annexure P-2).

As per case of the prosecution, petitioners were employees of complainant in his factory at Anaj Mandi, Kharar and committed theft of 17 bags of '*khal*' on 30.12.2016. The complainant suspected that petitioners had also been committing theft of '*khal*' in the last 8-9 months and around 1000 bags of '*khal*' had been stolen from his factory .

Learned counsel for the petitioners submits that the matter has since been settled vide compromise dated 09.01.2017, copy of which has been placed on file as Annexure P-2.

Learned State counsel has also not disputed compromise

(Annexure P-2).

In order to verify the veracity and genuineness of the settlement between the parties, they were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated 28.02.2017 stating therein that the compromise has been effected between the complainant and the accused which appears to be voluntary in nature and without any coercion.

Keeping all the above facts in view, I am of the considered opinion that it is a fit case in which the impugned FIR should be quashed. Keeping the case pending will not serve the ends of justice. The quashing of the FIR will provide the parties to this petition an opportunity to live in an amicable, peaceful and harmonious atmosphere which is not only in the interest of the parties but also for their families and ultimately the society at large.

For the reasons as discussed above, the instant petition is allowed and FIR No. 6 dated 07.01.2017 (Annexure P-1), registered for offence punishable under Section 381 IPC at Police Station City Kharar, District SAS Nagar, Mohali, along with all consequential proceedings arising therefrom, qua petitioners, is quashed.

March 21, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No