

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

257

CRM-M-37157 of 2016

Date of Decision: March 27, 2017

Sukhjeet Singh and others

....Petitioners

vs.

State of Punjab and another

....Respondents

2. CRM-M-42489 of 2016

Krishan Singh

....Petitioner

vs.

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Ms. Sandeep Kaur Randhawa, Advocate for
Mr. Gopal Singh Nahel, Advocate for the petitioner(s).

Mr. P.S. Madahar, AAG, Punjab.

Mr. Ranjit Singh Sidhu, Advocate
for respondent No.2-complainant.

TEJINDER SINGH DHINDSA, J. (Oral)

This order shall dispose of **CRM-M-37157 of 2016** (Sukhjeet Singh and others vs. State of Punjab and another) and **CRM-M-42489 of 2016** (Krishan Singh vs. State of Punjab and another) as both these petitions have been preferred under Section 482 Cr.P.C. seeking quashing of FIR No.121 dated 28.07.2013, under Sections 457, 380 and 411 IPC, registered at Police Station Moonak, District Sangrur.

It may be noticed that the FIR came to be registered on the statement of Labh Singh and who alleged that he had installed a Atta Chakki in the village and on 24.07.2013, after finishing his daily work, he had locked the Chakki and proceeded home. On the next date, when he opened the Chakki, he found four bags of wheat weighing two quintals missing.

During the course of investigation, four persons were implicated i.e the petitioners in these two connected petitions.

Quashing of the FIR in these two petitions is sought on the basis of compromise that was stated to have been entered into with the complainant-Labh Singh.

While issuing notice of motion in **CRM-M-42489 of 2016**, this Court had directed the parties to appear before the Illaqa Magistrate for recording of their statements in respect of the compromise.

Placed on record is a report dated 09.12.2016 of the learned Sub Divisional Judicial Magistrate, Moonak and a perusal of the same would reveal that statements of the accused Sukhjeet Singh, Gagandeep Singh, Gurdeep Singh, Krishan Singh as also of the complainant namely Labh Singh have been duly recorded and it has been opined that the compromise has been effected voluntarily and without any pressure or coercion. The statements of the accused parties (petitioners in these two connected petitions) as also of the complainant-Labh Singh have been furnished along with the report.

This Court in appropriate cases can exercise the power under Section 482 Cr.P.C. for quashing of criminal proceedings/FIR on the basis of compromise. A reference in this regard may be made to a Full Bench decision of this Court in ***Kulwinder Singh and others Vs. State of Punjab & others, 2007 (3) RCR (Criminal) 1052.***

Adverting back to the facts of the present case, this Court is of the considered view that it would be a fit case to intervene in exercise of its powers under Section 482 Cr.P.C. and to bring an end of criminal proceedings launched on account of registration of the impugned FIR. Continuation of criminal proceedings under such circumstances would be a futile exercise and would be construed as an abuse of the process of law as also of the Court.

In view of the discussion above, FIR No.121 dated 28.07.2013, under Sections 457, 380 and 411 IPC, registered at Police Station Moonak, District Sangrur stands quashed.

Petition is allowed.

(TEJINDER SINGH DHINDSA)
JUDGE

27.03.2017

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Whether speaking/reasoned : ***Yes***

Whether reportable : ***No***