

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-42553 of 2016 (O&M)
Date of Decision: 09.03.2017.

Vijay Kumar

--Petitioner

Versus

State of Punjab and another

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Kiran Kumar, Advocate for the petitioner.

Mr. Varun Sharma, A.A.G., Punjab.

None for the complainant.

TEJINDER SINGH DHINDSA.J

The instant petition has been filed under Section 482 Cr.P.C seeking quashing of F.I.R. No.105 dated 21.7.2016 under sections 408, 467, 468, 477-A I.P.C registered at Police Station Maksoodan, Jalandhar.

Since quashing was sought on the basis of compromise, this Court while issuing notice of motion on 29.11.2016 had directed the parties to appear before the Illaqa Magistrate concerned for recording of their statements in support of the compromise and a report with regard to veracity of the compromise had been called for.

Placed on record is a report dated 23.2.2017 of the learned J.M.I.C., Jalandhar and a perusal of the same would reveal that statements of the complainant Sachin Kapoor/respondent no.2 as also of the accused/Vijay Kumar have been duly recorded and it has been opined that the compromise has been effected without any pressure or coercion.

Service report reveals that the complainant stands duly served through his father. However, no representation is caused on his behalf.

It is, by now, well settled that in appropriate cases, this Court in exercise of power under Section 482 Cr.P.C would intervene to bring to an end criminal proceedings even in relation to offences, which are non-compoundable. A reference in this regard may be made to a Full Bench judgement of this Court rendered in case of **Kulwinder Singh and others Vs. State of Punjab and another, 2007 (3) R.C.R (Criminal) 1052.**

Adverting back to the facts of the present case and a perusal of the impugned FIR would reveal that the complainant was the sole proprietor of Kailash Auto World which was an authorized dealership of New Holland Tractors as also spare parts in Jalandhar district. The accused was an employee and had been engaged as Manager, Spare Parts. Allegations were with regard to misappropriation of money by mishandling the spare parts account over the past many years.

There is a compromise deed placed on record at Annexure P-2 as per which a settlement has been arrived at for an amount of Rs.21 lacs and such amount as per counsel appearing for the petitioner/accused has already been made over to the complainant.

The report dated 23.2.2017 of the learned J.M.I.C., Jalandhar is accompanied by the statement of the complainant Sachin Kapoor recorded on 2.2.2017 and wherein he has clearly stated that a compromise has been effected with the accused Vijay Kumar and he would have no objection if the proceedings are quashed.

In the considered view of this Court, this would be a fit case for exercise of powers under Section 482 Cr.P.C to bring to an end the criminal prosecution initiated in the light of the impugned FIR and continuation thereof inspite of the settlement would be construed as an abuse of the

process of law as well as of the Court.

Accordingly, the present petition is allowed. F.I.R. No.105 dated 21.7.2016 under sections 408, 467, 468, 477-A I.P.C registered at Police Station Maksoodan, Jalandhar and all proceedings emanating therefrom stand quashed on the basis of compromise having been entered into between the parties.

Petition is allowed.

(TEJINDER SINGH DHINDSA)
JUDGE

09.03.2017

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Whether speaking/reasoned: Yes

Whether Reportable: No