

CRM No. M-4445 of 2016(O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No. M-4445 of 2016(O&M)
Date of Decision : 11.09.2017

Rajinder Gupta

...Petitioner

versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present : Mr. Surjit Singh Swaich, Advocate for the petitioner.

Ms. Rajni Gupta, Senior Deputy Advocate General,
Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking quashing of FIR No. 72, dated 17.04.2013, under Section 379 IPC, registered at Police Station Dera Bassi, District S.A.S. Nagar, on the basis of compromise dated 26.02.2014 (Annexure P-4) arrived at between the parties.

Learned counsel for the petitioner contends that the allegations against the petitioner in the FIR are that he had produced photocopies of the case diary before the trial Court in FIR No. 255, dated 01.10.2003. Learned counsel further contends that instant FIR has also been lodged by the complainant in FIR No. 255, dated 01.10.2003 under Sections 380, 201, 506 IPC, registered at Police Station Dera Bassi and not by any police official as only photocopies were produced before the trial Court. He further states that the matter has now been compromised with the intervention of respectables.

A coordinate Bench of this Court vide order dated 08.02.2016 had directed the parties to appear before the trial Court for recording their statements with regard to the genuineness of compromise. The report of the Sub Divisional Judicial Magistrate, Dera Bassi, dated 15.03.2016 has been received, wherein it is stated that in pursuance to the order of this Court, the statements of the parties were recorded, which indicates that they have entered into compromise without any undue influence or coercion.

The allegations are that the petitioner had produced photocopies of the case diary in the trial. The FIR has been lodged at the behest of complainant, who had filed the earlier FIR. No police official has come forward to allege that the case diary itself was stolen. The matter has now been compromised between the parties, who want to put quietus to the litigation.

In view of the law laid down in *“Narinder Singh Vs. State of Punjab” 2014 (6) SCC 466*, no useful purpose will be served by continuing the criminal proceedings. Therefore, the petition is allowed and FIR No. 72, dated 17.04.2013, under Section 379 IPC, registered at Police Station Dera Bassi, District S.A.S. Nagar and all consequential proceedings arising therefrom, are hereby quashed qua the petitioner only.

(ANUPINDER SINGH GREWAL)
JUDGE

September 11, 2017
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<i>Whether speaking/reasoned?</i>	<i>Yes/No</i>
<i>Whether reportable?</i>	<i>Yes/No</i>