

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Crl.M.Nos.5185 and 5186 of 2017 and
CRM-M No.568 of 2017 (O&M)

Date of Decision: 17.2.2017

Swaranjit Singh

..Petitioner

Vs.

State of Punjab and another

..Respondents

CORAM: HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.P.L.Singla, Advocate for the petitioner.
Mr.K.S.Pannu, DAG Punjab.

AMOL RATTAN SINGH, J.

Crl.M.Nos.5185 and 5186 of 2017

By this application, true copies of the passport of the petitioner are sought to be placed on record, to show that he was residing abroad during most of the period of trial. He is stated to have left for Italy on 27.1.2014 and came back to India on 28.11.2014 and thereafter went back to Italy on 3.2.2015 and then again having come to India in between and having gone back, he finally has now come back to India on 9.12.2016.

The application is allowed and photocopies of the pages of the passport are taken on record, subject to all just exceptions.

Main Case

By this petition, the petitioner seeks quashing of FIR No.47 dated 1.4.2011, registered for the alleged commission of offences punishable under Sections 406/506 IPC, at Police Station Phillaur, District Jalandhar. Quashing is sought on the basis of a compromise reached

between the petitioner and respondent No.2, with a copy of the compromise deed annexed with the petition as Annexure P-5.

Pursuant to the order dated 13.1.2017, the petitioner and respondent No.2 appeared before the learned trial Court and recorded their statements. The report of the learned Sub Divisional Judicial Magistrate, Phillaur, is on record annexing therewith the statement of the respondent Jagrajpal Singh Sahi @ Pukhraj Pal Singh made on 24.1.2017, to the effect that he has compromised the matter with the petitioner without any kind of influence or pressure and he has no objection if the FIR registered against the petitioner is quashed. As per the report of the learned SDJM Phillaur, the compromise effected between the parties has been reached without any pressure or coercion on the respondent-complainant.

However, it is also seen that the petitioner, despite coming and going from India during the course of the trial, never once attempted to surrender before the trial Court to even seek bail.

Since the matter pertains to the alleged non return of a vehicle only, to the respondent-complainant, which is stated to have been now returned resulting in the aforesaid compromise, I see no purpose in continuing with the criminal proceedings as regards the FIR registered against him in respect of offences punishable under Sections 406 and 506 IPC. Therefore, keeping in mind the ratio of the judgment of the Supreme Court in *Gian Singh Vs. State of Punjab and another 2012 (4) Recent Apex Judgment*, there would otherwise be no reason to continue with proceedings in the aforesaid FIR No.47, dated 1.4.2011, registered for the alleged commission of offences punishable under Sections 406/506 IPC, at Police Station Phillaur, District Jalandhar.

However, in view of the conduct of the petitioner, to the effect that he kept coming and going from India, without answering summons of the trial Court, a fine of ₹25,000/- is imposed upon the petitioner, to be deposited with State Legal Services Authority, Punjab.

Upon deposit of the fine within a period of one month from the date of receipt of a certified copy of this order and upon receipt of such deposit being furnished to the trial Court, the aforesaid FIR, registered at Police Station Phillaur, District Jalandhar, in respect of the alleged commission of offences punishable under Sections 406/506 IPC, would stand quashed.

However, if the said fine is not deposited, the trial Court would send a report to this Court by 18.04.2017 for further action to be taken by this Court in case of such non-deposit of fine imposed.

The petition stands disposed of as above, subject to the condition imposed.

(Amol Rattan Singh)
Judge

17.2.2017
Meenu/vcgarg

Whether speaking/reasoned - Yes
Whether Reportable - No