

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

CRM-M-13732-2018 (O&M)

Date of Decision:-26.7.2018

Gurpreet Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Deepak Aggarwal, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Assistant Advocate General, Punjab.

Mr. Nipun Gupta, Advocate for respondents No.2 and 3.

GURVINDER SINGH GILL, J.(Oral)

The petitioner Gurpreet Singh seeks quashing of FIR No.60 dated 10.7.2016 registered under Sections 379-B and 384 of Indian Penal Code, 1860 (Section 411 of IPC was added lateron) at Police Station Mehna, District Moga and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

The allegations in the FIR were that the complainant had got the truck financed and that Jagtar Singh, Manager, Bathinda, Chaula Mandlam Finance Company alongwith Sarabjit Singh and others had repossessed the said truck forcibly.

The present petition was filed on the ground that the matter has since been compromised amongst the parties.

Vide order dated 3.4.2018 the parties had been directed to appear before the trial Court within a period of one month so as to get their statements recorded qua the factum of compromise.

The learned Additional Sessions Judge, Moga vide its report dated 6.4.2018 has reported that statements of the complainant Hardeep Singh and also of accused Gurpreet Singh and that of owner of the snatched vehicle namely Nazar Singh have been recorded to the effect that they have effected a compromise with the accused. It has further been opined that the said compromise appears to be genuine and without there being any pressure, coercion or undue influence and had been reached at voluntarily. The learned Additional Sessions Judge, Moga has further stated therein that proceedings for declaring the co-accused Sarabjit Singh as proclaimed offender have been initiated while the third accused namely Jagtar Singh has already been declared innocent.

In view of the aforesaid compromise as well as bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab and also bearing in mind the fact that proceedings against co-accused Sarabjit Singh declaring him as a proclaimed offender have been initiated, the present petition is accepted to the extent that FIR No.60 dated 10.7.2016 registered under Sections 379-B and 384 of Indian Penal Code, 1860 (Section 411 of IPC was added lateron) at Police Station Mehna, District Moga and all the consequent proceedings arising therefrom are hereby quashed qua the petitioner Gurpreet Singh only.

The present petition stands disposed of accordingly.

26.7.2018

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether reasoned/speaking Yes / No

Whether reportable Yes / No