

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-26314-2017

Date of decision : 16.01.2018

Raghubir Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.Tejwinder Singh Gill, Advocate
for the petitioner.

Ms.Samina Dhir, DAG, Punjab.

None for respondent no.2.

AMOL RATTAN SINGH, J.(ORAL)

By this petition, FIR No.231 dated 09.08.2013, registered against the petitioner at Police Station Focal Point, District Ludhiana, for the alleged commission of offences punishable under Sections 381, 120-B IPC, is sought to be quashed, on the basis of a compromise reached between the petitioner, Raghubir Singh, and respondent no. 2, i.e. the complainant, a copy of which is annexed as Annexure P-2 with the petition.

Pursuant to an order of this Court dated July 24, 2017, the statements of the petitioner as also respondent no.2, i.e. Gurnaib Singh, are shown to have been recorded before the learned Chief Judicial Magistrate, Ludhiana, whose report dated 14.08.2017 is on record.

As per the statement of complainant Gurnaib Singh, he has compromised the matter with the petitioner and he has no objection if the FIR is quashed qua him, though not with the other named co-accused of the

petitioner, i.e. Hari Dutt.

The report of the learned Chief Judicial Magistrate, Ludhiana, also goes on to state that the statement of Hari Dutt has not been recorded, in fact he not being a party to this petition.

The allegation made in the FIR is that the petitioner and the aforesaid Hari Dutt, who were both employees in the factory of the complainant, had started stealing iron material from the factory and selling it, and when the complainant came to know of this fact, he confronted the accused with it. The petitioner however, instead demanded Rs.1,50,000/- as a loan to construct his house, with the complainant giving Rs.50,000/- in cash and Rs.1 lacs by way of a cheque.

However, with the petitioner stated to have not returned the money for a period of more than 2 years, which as per the oral agreement between the parties was to be returned within one year, the FIR came to be registered.

That being so, and as per the compromise, Rs.1,50,000/- having been paid by the petitioner to the complainant, with the matter amicably compromised between them, I see no purpose in continuing with the criminal proceedings against the petitioner, even though co-accused Hari Dutt has not been arrayed as a party in the present petition, either in the capacity of a petitioner or a respondent, and in fact the compromise deed specifically states that the matter has not been compromised with him.

It needs to be stated that the offences alleged by the complainant arise out of thefts alleged to be committed etc. in his premises, as also on account of non-return of a loan by the present petitioner. Hence, the issue of thefts alleged against Hari Dutt not having been compromised,

but the matter with the petitioner having been compromised, I would see no bar to the FIR being quashed only against the petitioner.

Consequently, this petition is allowed and the aforesaid FIR no. No.231 dated 09.08.2013, registered at Police Station Focal Point, District Ludhiana, for the alleged commission of offences punishable under Sections 381, 120-B IPC, along with all proceedings arising therefrom, is hereby quashed qua the petitioner.

However, as regards co-accused Hari Dutt, no comment whatsoever is made by this Court, which issue shall be gone into by the trial Court itself, wholly on merits.

(AMOL RATTAN SINGH)
JUDGE

January 16, 2018.

Davinder Kumar/dinesh

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No