

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

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**CRM-M-16627-2018 (O&M)
Date of Decision : 7.3.2019**

Buta Khan and others**....Petitioners****vs.****State of Punjab and another****....Respondents****CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

Present: Mr. TPS Makkar, Advocate
for the petitioners.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

AJAY TEWARI, J. (Oral)

1. This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.280 dated 28.12.2017, under Sections 454/380 IPC registered at Police Station Lambi, Tehsil Malout District Muktsar Sahib and all other consequential proceedings on the basis of compromise.

2. The allegations against the petitioners were that they had stolen some valuable articles from the mosque. FIR was lodged by the care taker of the mosque against the petitioners. It is stated that the matter has been compromised between the parties but I expressed my reservation whether this kind of offence could be compromised as articles in the mosque did not belong to priest/Iman and therefore, priest/Iman would have no power to compromise it.

3. In the latest Three Bench Judgment of the Supreme Court passed in **The State of Madhya Pradesh vs. Laxmi Narayan and others** in ***Criminal Appeal No. 349 of 2019*** decided on 5.3.2019 it has been clarified that non-compoundable offence which are civil and private in nature can be quashed but offences which have a serious impact on society cannot be quashed in exercise of powers under Section 482 Cr.P.C. The present offences cannot be taken to be offences which are private and civil in nature. The valuable in any place of worship only belong to God and therefore mere fact that priest has compromised the matter could not be sufficiently covered under the judgment **The State of Madhya Pradesh (supra)**. I regret my inability to quash this FIR.

4. Consequently, petition stands dismissed.

5. Since the main case has been dismissed, the pending criminal miscellaneous application, if any, also stands disposed of.

7.3.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No