

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

CRM-M-4754-2022
Date of Decision:-16.3.2022

LAKHVIR SINGH

... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Vishal Sharma Haritwal, Advocate
for the petitioner.

Mr. S.S. Deol, DAG, Punjab.

Mr. Rohit Rana, Advocate for
Mr. Tapish Gupta, Advocate
for the complainant.

KARAMJIT SINGH, J. (Oral)

Instant petition has been filed by the petitioner for quashing of FIR No.368 dated 30.10.2021 registered under Sections 380, 34 IPC at Police Station City Kharar, District S.A.S. Nagar (Mohali) on the basis of compromise dated 28.1.2022 (Annexure P-2) along with other consequential proceedings arising thereto.

The above stated FIR was registered on the statement of the complainant/respondent No.2-Sanjeev Kumar, in which he stated that he was

running his factory in the area of Kharar where petitioner Lakhvir Singh was working as his employee. That on checking he found that certain goods lying in the godown were missing. He suspected that petitioner Lakhvir Singh and other persons namely Jaspreet Singh @ Jassa, Gurvinder Singh son of Surjit Singh and Nitin Kumar committed the aforesaid theft.

On notice of motion, respondents No.2 appeared in the Court through his counsel and pleaded that he has no objection if the FIR in this case is quashed on the basis of the aforesaid compromise which has been effected between the parties.

During the course of preliminary hearing, the trial Court/Illaq Magistrate was directed to record the statements of the all the concerned parties with regard to genuineness and validity or otherwise of the aforesaid compromise.

In compliance thereof, report from the Court of Sub-Divisional Judicial Magistrate, Kharar along with statements of the parties has been received, in which, it is mentioned that the compromise is genuine and there was no undue influence or coercion from any side.

I have heard learned counsel for the parties

Learned counsel for the parties are *ad idem* that in view of the settlement effected between the parties, the present petition deserves to be accepted. It has also come on record that the aforesaid compromise is genuine and the parties effected the same without any undue influence or coercion.

I am of the view that the aforesaid compromise is in the welfare and interest of the parties and will enable the parties to live in peace and enjoy their life in a dignified manner. Also there is no legal impediment in translating their wishes into reality by putting an end to the criminal prosecution initiated on the basis of FIR in question.

For the reasons aforestated and having regard to the law laid down by Hon'ble Apex Court in **Gian Singh v. State of Punjab and another, 2012 (4) RCR (Criminal) 543** and Five Judges Bench of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, this petition is allowed and FIR No.368 dated 30.10.2021 registered under Sections 380, 34 IPC at Police Station City Kharar, District S.A.S. Nagar (Mohali) on the basis of compromise dated 28.1.2022 (Annexure P-2) and all the subsequent proceedings thereof are hereby quashed qua petitioner-Lakhvir Singh only.

(**KARAMJIT SINGH**)
JUDGE

16.3.2022
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No