

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42900-2018

Date of Decision: 28.02.2022

Baldev Singh and others

....Petitioner(s)

Versus

State of Punjab and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Hitesh Verma, Advocate, for
Ms. Prabhjot Kaur, Advocate, for the petitioners.

Mr. C.L. Pawar, Senior Deputy Advocate General, Punjab

Mr. J.S. Chatrath, Advocate, for respondent No.2.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 92 dated 09.07.2018, under Sections 454/380 IPC, registered at Police Station Barnala, District Barnala and all other subsequent proceedings arising therefrom, based upon compromise Annexure P-2.

As per the allegations contained in the FIR, which has been annexed with the present petition as Annexure P-1, an FIR was lodged on the basis of complaint made by respondent No.2 namely Shingara Singh by alleging that 5-6 unknown persons alongwith the present petitioners had committed theft by picking up some articles from his shop by breaking

open the locks.

The learned counsel for the petitioners has submitted that in fact the FIR was lodged on 09.07.2018 which was a result of some misunderstanding between the parties which has now been amicably settled by way of a compromise between the parties vide Annexure P-2 dated 17.09.2018 which was soon after the lodging of the FIR. He further submitted that the compromise regarding the theft of some articles have now been amicably settled with the intervention of the respectables and even the police has also not presented the challan before the competent Court and the matter is still at the investigation stage. He further submitted that the subject matter of the present case does not fall in the category of any heinous and serious offence and in view of the facts and circumstances, no useful purpose will be served in case the further prosecution is carried on and, therefore, has prayed for the quashing of the FIR based upon compromise.

Mr. C.L. Pawar, learned Senior Deputy Advocate General, Punjab has stated that although no reply has been filed in the present case by the State but he has instructions to say that neither of the accused have been declared as proclaimed offender and the case is still at the investigation stage and all the eight petitioners are the accused in the present FIR and there is no other accused apart from the present petitioners and the complainant is respondent No.2.

Mr. J.S. Chatrath, Advocate appearing on behalf of respondent No.2 has also submitted that it is correct that a compromise has been arrived at between the parties vide Annexure P-2 and thereafter even statements

have been recorded by the learned Illaqua Magistrate in pursuance of the orders passed by this Court and has stated that he has no objection in case the FIR is quashed based upon compromise.

I have heard the learned counsel for the parties.

This Court on 20.11.2018 had directed the parties to appear before the learned Illaqua Magistrate/learned Court for getting their statements recorded qua the present compromise and the trial Court was directed to submit a report regarding the genuineness of compromise to this Court.

A report has been received from the Judicial Magistrate Ist Class, Barnala in which it has been stated that the parties have appeared before the Magistrate and have got their statements recorded. The complainant/respondent No.2 has suffered a statement that he has compromised the matter with the accused persons with his free consent and similar statements have also been suffered by the petitioners that they have effected the compromise with respondent No.2/complainant. It has been further stated in the report that the JMJC after going through the contents of the statements recorded is of the opinion that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence and that the statements recorded by the complainant as well as the accused persons are not the result of any pressure and coercion.

The facts and circumstances of the present case suggest that the subject matter of the present FIR pertaining to theft of some articles do not fall in the category of serious and heinous offence. The compromise was effected soon after the lodging of the FIR and the matter is still at the

investigation stage, even though the FIR was registered in the year 2018. The parties have also got their statements recorded before the learned Illaqua Magistrate/trial Court in pursuance of the orders passed by this Court with regard to the genuineness or voluntariness of the compromise Annexure P-2. Therefore, this Court is of the considered opinion that in the facts and circumstances of the present case it is a fit case for quashing of the FIR based upon compromise.

Therefore, in view of the law laid down by the Hon'ble Supreme Court in '*Gian Singh Versus State of Punjab and another*' [(2012) 10 SCC 303] and a Larger Bench of this Court in '*Kulwinder Singh and others Versus State of Punjab and another*' [2007 (3) RCR (Criminal) 1052], the present petition is allowed. FIR No. 92 dated 09.07.2018, under Sections 454/380 IPC, registered at Police Station Barnala, District Barnala and all other subsequent proceedings arising therefrom are hereby quashed qua the petitioners.

28.02.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No
: Yes/No