

CRM-M-20576-2023

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(283)

CRM-M-20576-2023

Date of Decision:- 22.08.2023

Jatinder Singh alias J.T. and another

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Arshit Goel, Advocate for the petitioners.

Mr. Anup Singh, DAG, Punjab for State-respondent No.1.

Mr. Rahul Bansal, Advocate for respondent No.2.

SUVIR SEHGAL, J. (Oral)

1. Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.36 dated 03.03.2020, registered for offences under Sections 379 and 34 of the Indian Penal Code, 1860, at Police Station Sadar Patiala, District Patiala, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 02.03.2023, Annexure P-2, arrived at between the parties.

2. Counsel for the petitioners submits that FIR, Annexure P-1, is a result of a misunderstanding, which has been removed and a compromise, Annexure P-2, has been arrived at between the parties. He submits that the petitioners have not been named in the FIR and it has been alleged that the Activa, a two wheeler, has been stolen by unknown persons. He submits that in terms of the compromise, parties as well as the Investigating Officer have appeared before the Trial Court and their statements have been recorded.

3. Upon instructions received for ASI, Inderjit Singh, State counsel submits that during investigation, it was found that the offence has been committed by three persons, however, compromise, Annexure P-2, has been arrived at with two accused, both of whom are petitioners before this Court.
4. Counsel representing respondent No.2 has admitted the factum of compromise.
5. Heard counsel for the parties.
6. Pursuant to order dated 26.04.2023 passed by this Court, report has been received from the Trial Court, relevant extract of which is as under:-

“1. There are three accused namely Jatinder Singh @ J.T. son of Amrik Singh, Navjot Singh son of Raj Singh and Navjot Singh son of Nirmal Singh, who have been arrayed as accused in the present FIR. It is pertinent to mention here that out of three accused, complainant/victim Kamaldeep Singh has compromised the matter with two accused namely Jatinder Singh @ J.T. son of Amrik Singh, Navjot Singh alias Navjyot son of Raj Singh and not with accused Navjot Singh son of Nirmal Singh who is absent in the present case and notice to whom has been issued by this Court.

2. As per statement of Investigating Officer namely ASI Inderjit Singh, accused have not been declared as proclaimed offender in the present case.

3. Ex-facie, it transpires from the statements of the parties (recorded in the court) that the complainant Kamaldeep Singh and accused Jatinder Singh J.T. and Navjot Singh alias Navjyot Singh son of Raj Singh have arrived at compromise with their free volition, without any inducement, threat, promise, coercion or undue influence from any quarter. Apparently, the

compromise which have been effected amongst the parties has been genuinely arrived at to eliminate bitterness and acrimony between the parties and in order to restore cordial relations among them and is without any fraud, misrepresentation, coercion or undue influence and is the result of the free will of the parties.

4. *As per statement of Investigating Officer, the accused persons are not involved in any other FIR.*
5. *As per statement of Investigating Officer, there is only one victim/complainant in the present FIR.”*

7. In view of the report given by the Trial Court and the judgment of the Supreme Court in ***Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543*** and a Full Bench of this Court in ***Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, this Court is of the view that keeping the criminal proceedings alive would be a futile exercise as the possibility of conviction of the accused is remote. Rather, setting them aside would enable the parties to lead a harmonious and peaceful life.

8. Accordingly, the petition is allowed. FIR No.36 dated 03.03.2020, registered for offences under Sections 379 and 34 of the Indian Penal Code, 1860, at Police Station Sadar Patiala, District Patiala, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

22.08.2023
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No