

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

248

CRM-M-53479-2021

Date of decision: 14.07.2023

Pawan Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gurcharan Singh Bains, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab
for respondent No.1-State.

Mr. Ramandeep, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is for quashing of FIR No.0406 dated 11.11.2021 lodged under Sections 380, 457 and 34 of the IPC (Section 411 of the IPC added lateron) registered at Police Station Patran, District Patiala and all consequential proceedings arising out of the same, on the basis of compromise dated 09.12.2021 (Annexure P-2) arrived at, between the parties.

2. Vide order dated 21.12.2021 of this Court, the parties were directed to appear before the learned Trial Court/Illaq Magistrate within a period of 30 days to get their statements recorded regarding the compromise arrived at, between them.

3. Report has since been received from learned Judicial Magistrate Ist Class, Samana, in pursuance of the directions of this Court, wherein, the factum of the compromise arrived at between the

parties stands verified and confirmed. As per the report compromise has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will and the complainant has also made statement to the effect that he would have no objection if the FIR *qua* the accused-petitioner is quashed. It has also been mentioned in the report that 03 other persons namely Rohi @ Kali, Jeeto and Beeru were also nominated as accused in the present FIR.

4. The Trial Court has annexed copies of statements of the parties alongwith its report.

5. On a pointed query put to the learned State counsel as to how the case of the petitioner is distinguishable with that of the other 03 accused with whom no compromise has been effected, he on instructions has submitted that there were no allegations against the petitioner of having committed the theft in question and there was only a suspicion raised that he may have purchased the stolen property.

6. Learned counsel appearing for respondent No.2 has also submitted that it was only on account of a mere suspicion that the petitioner had been named in the FIR in question by him.

7. In view of the report of the learned Judicial Magistrate Ist Class, Samana and the principles laid down by the Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***, and also by the Full Bench of this Court in ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, the instant petition is allowed. The aforesaid FIR and all consequential proceedings arising out of it, are quashed qua the petitioner only.

8. Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

14.07.2023
Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No