

2024:PHHC:078361



252 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22097-2024 (O&M)
DATE OF DECISION:-30.05.2024

Rajesh Kumar and another ...Petitioners..

vs.

State of Punjab and another ...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ashish Soi, Advocate,
for the petitioner.

Mr. Siddharth Sandhu, AAG, Punjab.

Mr. Harnoor Singh Sidhu, Advocate,
for respondent No.2.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 482 Cr.P.C., the petitioners pray for quashing of FIR No.144 dated 01.09.2020 registered under Sections 380 and 411 IPC at Police Station PAU Ludhiana (Annexure P-1) and all other subsequent proceedings arising therefrom on the basis of compromise deed dated 18.04.2024 (Annexure P-2).
2. As per the allegation levelled in the FIR, petitioners being the owner of the shop, which was given to the complainant on rent, have stolen the articles and misappropriated everything during the Covid-19 situation, when he was not utilizing the premises.
3. In pursuance of order dated 03.05.2024 passed by this Court,

whereby parties were directed to appear before the Trial Court for getting their statements recorded as regards the veracity of compromise arrived at between them, report dated 13.05.2024 has been received from the concerned Court, stating that compromise is genuine, voluntarily and out of free will of the parties. No accused has been declared as proclaimed offender.

4. Once, the compromise has been arrived at between the parties without any pressure and respondent No.2 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioners; there does not appear to be any impediment as regards quashing of present FIR qua the petitioners. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the FIR on the basis of compromise entered into between the parties.

5. The parties having settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the Trial Court to invest further time and effort in adjudicating this FIR. The compromise in question is even found to be fully in consonance with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543.***

6. Moreover, learned counsel for the petitioners on instructions from his client, submit that he volunteers to serve public cause by providing two

wheel chairs to Civil Hospital, Ludhiana.

7. Thus, in view of the aforesaid facts, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, FIR No.144 dated 01.09.2020 registered under Sections 380 and 411 IPC at Police Station PAU Ludhiana (Annexure P-1) as well as all subsequent proceedings arising therefrom are hereby quashed qua the petitioners.

8. Accordingly, petition stands allowed, however, subject to providing two (02) wheel chairs to Civil Hospital, Ludhiana, within a period of two weeks from today as volunteered by the petitioners against due receipt issued by the concerned Civil Surgeon, who shall prepare an inventory in this regard for its regular inspection by the Director concerned. A copy of the receipt shall also be sent to the office of Advocate General, Punjab at the earliest for maintaining records in this regard.

9. Pending application(s), if any, stand(s) disposed of.

30.05.2024

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whether speaking/reasoned: Yes/No

whether reportable: Yes/No

(HARKESH MANUJA)

JUDGE