

CRM-M No.38344 of 2022

2024:PHHC:014354

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

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CRM-M No.38344 of 2022

Date of Decision: 01.02.2024

JASWANT SINGH @ BANTY**.....Petitioner****Vs****STATE OF PUNJAB AND ANOTHER****....Respondents****CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. K.S. Cheema, Advocate for
Mr. Baljinder Singh, Advocate for the petitioner.

Mr. Gurlal Singh Dhillon, Asstt. A.G., Punjab.

Mr. Gurnoor Singh Cheema, Advocate for respondent No.2.

HARKESH MANUJA, J. (Oral)

[1]. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing of FIR No.103 dated 16.06.2021 registered under Sections 457 & 380 IPC at Police Station Sadar Hoshiarpur, District Hoshiarpur (Annexure P-1) and all other subsequent proceedings arising therefrom on the basis of compromise dated 15.12.2021 (Annexure P-2).

[2]. As per the allegations levelled in the FIR, the petitioner along with other co-accused committed theft in the house of respondent No.2. As per FIR, there were three accused including present petitioner. Accused namely Santosh has died and proceedings are pending against accused Nikka.

[3]. In pursuance to order dated 11.12.2023 passed by this Court, whereby the parties were directed to appear before the *Illaq*a Magistrate/Trial Court for getting their statements recorded as regards the veracity of compromise arrived at between them, a report dated 20.12.2023 has been received from the concerned

court, stating that the compromise is genuine, voluntary and without any coercion or undue influence. The petitioner-accused has not 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 petitioner; there does not appear to be any impediment as regards quashing of present FIR *qua* the petitioner. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the present 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 the case(s) of **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]. Further, learned counsel for the petitioner, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in the case of **Jayrajsingh Digvijaysinh Rana Vs. State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589** and this Court in the case(s) of **Joginder Singh & another Vs. State of Punjab**

and another, passed in CRM-M No.23739 of 2010 decided on 27.04.2011, Rajinder Singh Vs. State of Punjab & another, passed in CRM-M No.37395 of 2016 decided on 16.05.2017 and Vimal Kalra & others Vs. State of Punjab & another, passed in CRM-M No.20355 of 2022, decided on 25.07.2022 submits that partial quashing of the FIR is possible on the basis of a compromise.

[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, the of FIR No.103 dated 16.06.2021 registered under Sections 457 & 380 IPC at Police Station Sadar Hoshiarpur, District Hoshiarpur (Annexure P-1) as well as all the subsequent proceedings arising therefrom are hereby quashed *qua* the petitioner.

[8]. Accordingly, petition stands allowed however subject to payment of cost(s) of Rs.5,000/- to be deposited by the petitioner with the Punjab and Haryana High Court Employees Welfare Association having Account No.37167209613 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from today.

February 01, 2024
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(HARKESH MANUJA)
JUDGE

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