

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.16943 of 2015

Date of decision: July 30, 2015.

Kaur Singh

... **Petitioner**

v.

State of Punjab & another

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Shri KBS Mann, Advocate, for the petitioner.
Ms. Rimplejeet Kaur, Assistant Advocate General, Punjab
for respondent No.1.
Shri Vivek Goel, Advocate for respondent No.2.

Darshan Singh, J. (Oral):

The present petition has been filed by the petitioner under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as “Cr.P.C.”) for seeking quashing of FIR No. 111 dated 5.8.2014, registered under Sections 186, 189, 195-A, 353, 294, 332, 506, 510 of the Indian Penal Code, 1860 (hereinafter referred to as “IPC”) at Police Station Lambi, District Sri Muktsar Sahib (Annexure P-1) and all the subsequent proceedings on the basis of the compromise deed dated 07.05.2015 (Annexure P2).

2. Vide order dated 21.5.2015, this Court has directed the parties to get their statements recorded before the trial court. The learned trial court was also directed to send its report with regard to the validity or otherwise

of the compromise after recording the statements of the concerned parties.

3. In compliance of the aforesaid order, report has been received from the learned Additional Civil Judge (Senior Division)-cum-SDJM, Malout through the learned District & Sessions Judge, Sri Muktsar Sahib along with the copies of the statements of the parties. The operative part of the report of the learned SDJM is reproduced as under:

“The statements of complainant Dr. Arun Bhatti has been recorded that present case has been registered on the basis of his statement. However, he has arrived into compromise with the accused with the intervention of the respectable. Compromise is voluntarily, without any pressure, coercion and with free will. He has no objection if the FIR is quashed and accused is acquitted. Similarly, separate statement of petitioner/accused namely Kaur Singh s/o Rang Singh r/o village Hakuwala Malout, Tehsil Malout, Distt. Sri Muktsar Sahib has been recorded wherein he has admitted the factum of compromise being arrived into without any pressure, coercion. Both the parties have been identified by their respective counsel. This court is satisfied that aforesaid statement made by parties are voluntarily and their compromise have been arrived into without any pressure coercion or threat. ...”

4. Learned counsel for the petitioner contended that the parties have amicably resolved the dispute and the continuation of the proceedings will be an abuse of the process of the Court. The compromise, between the

parties voluntarily and with their free will, should be given due weightage and the present proceedings should be quashed. To support his contentions, he relied upon the judgments rendered by the Hon'ble Apex Court in ***Gian Singh v. State of Punjab & Another 2012(4) R.C.R. (Criminal) 543*** and ***Shiji alias Pappu & Others v. Radhika & Another 2012(1) R.C.R. (Criminal)9 (SC)*** and also by Full Bench of this Court in ***Kulwinder Singh & Others v. State of Punjab & Another 2007(3) R.C.R. (Criminal)1052***.

5. Learned Counsel for the petitioner further contended that even in the offences against the public servant, the quashing on the basis of compromise can be ordered. To support his contention, he relied upon cases Kuldeep v. State of Haryana and others, 2011(1) RCR (Crl.) 213 and Ranjit Singh and another v. State of Punjab and another, 2013(1) RCR (Cl.) 236.

6. The factum regarding compromise between the parties has also not been disputed at bar by the learned State counsel. Learned counsel for respondent No.2 has also fairly conceded that in view of the compromise effected between the parties, the complainant/victim has no objection if the impugned FIR and the consequential proceedings are quashed.

7. As per the prosecution allegations, the complainant, who was posted as a Medical Officer at CHC Lambi, complained of interfering in his official duty and to do an unlawful act by exaggerating the injuries suffered by the petitioner who had come to him for treatment. The petitioner is even alleged to have misbehaved and abused the Medical Officer as also offered illegal gratification for doing this favour.

8. From the statements of the complainant as well as of the

petitioner recorded by the learned SDJM and his report, it comes out that both the parties have voluntarily and with their free consent without any inducement, threat or promise, sorted out their dispute and have effected compromise. The photocopy of the compromise deed has already been placed on record as Annexure P2.

9. Taking into consideration these facts, this Court is of the opinion that the ultimate chances of conviction of the petitioner are bleak. Therefore, the pendency of FIR and continuation of the proceedings would be a sheer abuse of the process of law.

10. Thus, in view of the factum of the compromise and the law laid down by the Hon'ble Apex Court and also the Full Bench of this Court in the cases referred to above, this petition is hereby allowed. FIR No. 111 dated 5.8.2014, registered under Sections 186, 189, 195-A, 353, 294, 332, 506, 510 IPC at Police Station Lambi, District Sri Muktsar Sahib (Annexure P-1) and all the consequent proceedings arising therefrom are hereby quashed. If the case has already been decided by the trial Court, then this order will be of no effect.

July 30, 2015.
kadyan

[Darshan Singh]
Judge