

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

CRM-M-26663 of 2014(O&M)

Date of decision:- 11.05.2015.

Jagsir Singh @ Bhola

.....Petitioner.

Versus

State of Punjab and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. G.S Sandhu, Advocate
for the petitioner.

Mr. Mikhail Kad, AAG, Punjab
for respondent No. 1-State.

Ms. Maninder Kaur, Advocate
for respondents No. 2 and 3.

TEJINDER SINGH DHINDSA, J. (ORAL)

The instant petition has been filed under Section 482 Cr.P.C praying for quashing of F.I.R. No.07 dated 26.02.2014 under Sections 294,186,506 I.P.C registered at Police Station, Mehal Kalan, District Barnala, on the basis of compromise, which as per pleadings has been entered into between the parties.

Since quashing was sought on the basis of compromise, this Court on 17.10.2014, had directed the parties to appear before the trial Court concerned for recording of their statements and a report as regards veracity of the compromise was called for.

Placed on record is a report dated 10.12.2014 of the learned Civil Judge (Junior Division), Barnala and a perusal of the same would reveal that the statements of the complainant- Bhajan Singh as also the eye

witness- Darshan Singh and accused (petitioner herein) namely, Jagsir Singh have been duly recorded and it has been opined that the compromise has been arrived at between the parties without any pressure or coercion.

Counsel appearing for the complainant/respondent No. 2 also submits in Court today that he would have no objection to the FIR being quashed on the basis of compromise.

A Full Bench of this Court in case of **Kulwinder Singh and others Vs. State of Punjab and another, 2007 (3) R.C.R (Criminal) 1052** has taken a view that in appropriate cases this Court in exercise of its powers under Section 482 Cr.P.C can intervene and bring to an end criminal prosecution in the light of compromise that may have been effected between the parties even in relation to non-compoundable offences.

Adverting back to the facts of the present case, the FIR was registered on a complaint made by Bhajan Singh i.e. Block Development and Panchayat Officer Mehal Kalan who had stated that Harbhajan Singh was working as Social Education and Panchayat Officer in his office and it had been brought to his notice that on 24.02.2014, the accused i.e. present petitioner had threatened and abused the Panchayat Officer i.e. Harbhajan Singh and had created obstruction in the Government work.

Clearly as per contents of the FIR, there was no damage to public\Government property and neither there are any specific allegations with regard to the precise Government work that had been obstructed. Allegations are primarily with regard to having abused and threatened the Social Education and Panchayat Officer.

The report dated 10.12.2014 submitted by Civil Judge (Junior Divison), Barnala also carries the statement of the complainant. The same

have been perused and would reveal that the entire dispute arose on account of a quarrel having taken place between the complainant and the accused and the same has since been resolved.

Under such peculiar situation, this Court is of the considered view that continuation of the criminal proceedings inspite of the parties having amicably resolved the issue would be construed as an abuse of the process of law as also of the Court.

For the reasons recorded above, the present petition is allowed. F.I.R. No. 07 dated 26.02.2014, under Sections 294,186,506 IPC registered at Police Station, Mehal Kalan, District Barnala and all proceedings emanating therefrom qua the present petitioner stand quashed.

Petition allowed in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

May 11, 2015.

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