

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-3305-2015 (O & M)
Date of decision:06.05.2015

Vikas @ Vicky Nepali and ors.

...Petitioner(s)

Versus

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sandeep Sharma, Advocate,
for the petitioner.

Mr. Ankur Jain, AAG, Punjab.

Rajan Gupta, J. (oral)

This is a petition under Section 482 Cr.P.C seeking quashing of FIR No.161 dated 21.07.2012 registered under Sections 186/332/353/382 IPC at Police Station Jodhewal, District Ludhiana, on the basis of compromise.

At the time of issuing notice of motion, this court had directed the trial court to record the statement of parties to satisfy itself that compromise was voluntary and without undue influence. Report has been received from trial court. However, allegation against the petitioner is of assault and use of criminal force to deter a public servant from discharge of his duty.

FIR was lodged by Constable Surinder Singh, who alleged that on July 20, 2012, when he was going for duty at 10.00 p.m., he reached the *kailash* road, at that time, he was attacked by the accused who tore his uniform and took away ₹5,000/-. After the incident, they fled from the scene. Offence of such a nature where a public servant is assaulted by the accused is an offence against the

society and not a private dispute.

It is inexplicable how the police official who lodged the FIR has entered into a compromise with the petitioners. I am of the considered view that such an offence cannot be quashed on the basis of compromise. Under the circumstances, no ground to interfere in the inherent jurisdiction is made out.

Dismissed.

Commissioner of Police, Ludhiana, to examine whether respondent No.2 could have entered into a compromise on behalf of the State.

A copy of this order be handed over to learned State counsel under the signatures of Bench Secretary.

06.05.2015
sukhpreet

(RAJAN GUPTA)
JUDGE