

Crl. Misc. No.M-37247-2014(O&M)

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No.M-37247-2014(O&M)

Date of decision:23.03.2015

Jagsir Singh and others .. Petitioners

Vs.

State of Punjab and others .. Respondents

Coram: Hon'ble Mr. Justice Mahesh Grover

Present: Mr.Surinder Garg, Advocate for the petitioners.
Mr. Deepak Garg, AAG, Punjab.
Mr. Rajiv Mittal, Advocate for respondents no.2 and 3.

Mahesh Grover, J

This is a petition under Section 482 of the Code of Criminal Procedure praying for quashing of FIR No.103 dated 1.10.2014 registered under Sections 353, 186, 323, 324, 341, 380, 148 and 149 IPC at Police Station Gidderbaha, District Sri Muktsar Sahib and all consequential proceedings arising therefrom on the basis of compromise.

On 02.12.2014 and 20.01.2015 this Court had directed the Illaqa Magistrate to record the statement of all the affected persons and further record a finding as to whether the compromise has been effected voluntarily by the parties and a report in this regard was also called for.

That report of Illaqa Magistrate has since been received along with copies of the statements of the affected persons which also indicates that the matter has been resolved amicably between the parties without any pressure from any quarter.

Respondent no.1 – State of Punjab would contend that

allegations against the petitioners are of obstructing the public servant from discharging his official duty and thus, being an offence against the society, proceedings are not to be quashed.

The allegations if perused would indicate to the contrary. Even though, the bus Conductor was beaten up, he was not obstructed in discharge of his official function and neither did any friction occur on account of his duties, the facts indicating a previous personal dispute. If that being so, such an offence cannot be construed to be an offence against the society being a personal cause to which the parties have now given a burial.

The Hon'ble Supreme Court in **Gold Quest International Private Ltd. vs. State of Tamil Nadu and others**, 2014(4) RCR (Criminal) 206 has held that the disputes which are substantially matrimonial in nature, or the civil property disputes with criminal facets, if the parties have entered into settlement, and it has become clear that there are no chances of conviction, there is no illegality in quashing the proceedings under Section 482 Cr.P.C read with Article 226 of the Constitution.

The Hon'ble Division Bench of this Court hold in **Sube Singh**

and another v. State of Haryana and another, 2013(4) RCR (Criminal)

102 has held that the High Court is vested with unparallel power to quash the criminal proceedings at any stage to secure the ends of justice.

Having regard to the aforesaid and the observations made by the Full Bench of this Court in **Kulwinder Singh v. State of Punjab** reported as **2007(4) Law Herald 2225** and of Hon'ble Supreme Court in **Gian Singh v. State of Punjab** reported as **2012(4) RCR (Criminal) 543**, instant petition is accepted. Consequently, FIR No.103 dated 1.10.2014 registered under Sections 353, 186, 323, 324, 341, 380, 148 and 149 IPC at Police Station Gidderbaha, District Sri Muktsar Sahib and all consequential proceedings arising therefrom are hereby quashed.

23.03.2015

mamta

(Mahesh Grover)
Judge