

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-5919 of 2014 (O&M)
Date of decision: 26.3.2015

Munish Chaudhary & others ...Petitioners

Versus

Union Territory, Chandigarh ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Y.P. Singla, Advocate for the petitioners.

Mr. J.S. Toor, APP for U.T. Chandigarh.

Mr. Pawan Kumar Sharma, Advocate for respondent No.2.

Rajan Gupta, J. (oral)

This is a petition under Section 482 Cr.P.C. seeking quashing of FIR No.147 dated 14.5.2011, registered against the petitioners under sections 147, 148, 186, 332, 342, 353, 452, 506 IPC at Police Station Sector 17, Chandigarh, *inter alia* on the ground of compromise.

It appears, aforesaid FIR was registered on the basis of a complaint made by a constable namely, Ram Karan, who alleged that petitioners entered the court room of Parinder Singh, Judicial Magistrate 1st Class, Chandigarh on 14.5.2011 and created a ruckus. They caused certain injuries to the complainant. In the process a scuffle took place and fluffer of uniform of SHO, Police Station Sector 17, Chandigarh was

torn.

Learned senior counsel for the petitioners contends that incident occurred as there was a private dispute existing between complainant Ram Karan and one Kartar Singh Thakur and his son Harinder Singh. According to him, even perusal of FIR would show that both sides had a altercation on 12.5.2011, pursuant to which two FIRs i.e. FIR Nos.135 and 136 were registered at Police Station Manimajra, U.T., Chandigarh under various sections. Referring to orders Annexures P-7 & P-8 dated 22.2.2013, he submits that both FIRs were quashed by this court pursuant to a compromise arrived at between the parties. He further submits that pursuant to direction issued by this court, statements of effected parties have been recorded in this case. Perusal thereof would show that parties do not want to pursue the matter any further and have entered into a compromise. He points out that petitioners were also summoned by a Division Bench of this Court in view of reference made by Civil Judge (Jr. Division), Chandigarh on 14.5.2011. Notice was, however, discharged as unconditional apology was tendered by the petitioners. In support of his prayer for quashing of FIR, he has relied upon order dated 11.3.2013, passed by the Division Bench of this court in CWP No.4964 of 2013 titled as "Court on its own motion Vs. U.T., Chandigarh and others".

Mr. Toor, learned counsel appearing for U.T. Chandigarh (on instructions from S.I. Harjit Singh, who is present in court) submits that though challan has been filed in the court, charges have not been framed till now. He does not dispute the fact that statements of complainant Ram

Karan and all the accused have been recorded by the Judicial Magistrate 1st Class. He further contends that he has instructions to submit that since parties have amicably settled the issue, Union Territory would not stand in the way of quashing of the FIR.

Mr. Pawan Kumar Sharma, learned counsel for the complainant submits that he does not wish to pursue the allegations levelled in the FIR.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It is evident that an unsavory incident took place in the court premises on 14.5.2011. The background of the incident appears to be a private dispute between one Devi Dayal and Kartar Singh and his two sons who are practicing Advocates in the District Courts, Chandigarh. As a result of an incident which took place on the intervening night of 11th and 12th May, 2011, FIR No.135 dated 12.5.2011 was lodged by Kartar Singh Thakur against Devi Dayal, brother-in-law of Ram Karan under sections 147, 148, 149, 452 and section 307 IPC. It appears, offence under section 307 IPC was deleted later on. Another FIR No.136 dated 12.5.2011 was lodged by the opposite side on the same day against Kartar Singh Thakur, his wife and two sons under sections 147, 148, 149, 323, 356 & 506 IPC at Police Station, Manimajra, U.T., Chandigarh. During pendency of proceedings pursuant to aforesaid two FIRs, parties entered into a compromise and preferred two separate petitions for quashing thereof. Both the petitions were allowed vide two separate orders dated February 22, 2013 (Annexures P-7 and P-8). Stand of the

petitioners is that present incident was only a provocation, as two Advocates namely, Harinder Singh and Surender Singh Thakur came to the court on 14.5.2011 with certain injuries on their person. They entered the court room of Judicial Magistrate 1st Class to meet Ram Karan, who is a close relative of Devi Dayal and was posted as Naib Court there. In the heat of the moment, the scuffle ensued and situation went out of control.

I have considered rival contentions of the parties. It is evident that this court also took cognizance of the matter by way of contempt petition i.e. CROCP-10 of 2011. This court directed Registrar (Vigilance) of this court to conduct an enquiry and submit a report. Enquiry report was submitted by said officer on 19.5.2011. In view of same, notice was issued to all the petitioners to show cause why proceedings under Contempt of Courts Act be not initiated against them. All the petitioners put in appearance. They assured the court individually and through counsel that in future they would maintain utmost discipline and would do nothing which would be against law or would lower the dignity of the courts. As a result, notice was discharged. As already noticed above, individual dispute between the parties was settled as two FIRs pertaining to incident dated 12.5.2011 were quashed, vide orders Annexures P-7 and P-8. In the instant case, a coordinate bench of this court while issuing notice of motion, directed the trial court to record the statements of effected parties with regard to validity of compromise. Thereafter, complainant Head Constable Ram Karan appeared before the court and made the following statement:-

“On the basis of oral consent of the then higher official of the Chandigarh Police, I had entered into compromise dated 30.06.2011, a copy of which is Ex.A-1. On the basis of compromise Ex.A-1, I have no objection in case FIR No.147 dated 14.5.2011, U/s 147, 148, 186, 332, 342, 353, 452, 506 IPC PS Sector 17, Chandigarh, and all subsequent proceedings arising therefrom are allowed to be compounded/quashed.”

A report has also been received from the court of Judicial Magistrate 1st Class, Chandigarh, according to which parties had arrived at a compromise voluntarily without any coercion or pressure. During the course of hearing, Mr. Sidhu, learned senior counsel and Mr. N.K. Nanda, Ex-President of the District Bar assured the court, that office bearers and members of District Bar Association would make every effort to maintain dignity of the judicial system and a peaceful and harmonious atmosphere. They have also filed their affidavits, which are taken on record as Mark 'A' and Mark 'B' respectively.

In my considered view, certain offences in the FIR such as sections 186 and 353 IPC normally cannot be quashed on the basis of a compromise. However, in the instant case, the complainant does not intend to pursue the complaint. According to his statement, he has entered into compromise with the petitioners on the basis of oral consent of higher officials of the Chandigarh police. Besides, petitioners have also placed reliance on judgment, passed by a Division Bench of this court in *CWP No.4964 of 2013*, decided on 11.3.2013. According to them, order was passed in said petition in somewhat in similar circumstances. Keeping in view entire facts and circumstances, it appears

continuation of further proceedings pursuant to FIR, which was registered way back in the year 2011, may be an exercise in futility. This court, thus, feels that the FIR and all proceedings arising therefrom, deserve to be quashed. Ordered accordingly.

This court, however, hopes and trust that petitioners and other members of the Bar shall continue to abide by the undertaking given to this court by way of affidavits of their representatives.

Petition is allowed in these terms.

(RAJAN GUPTA)
JUDGE

26.3.2015
'Rajpal'

Whether to be referred to reporter? Yes / No