

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

CRM No.M-7664 of 2015 (O&M)

Date of decision: 23.07.2015

Bohar Singh & others

... Petitioners

Versus

State of Punjab & others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Aman Dhir, Advocate for the petitioners.

Mr. Mikhail Kad, AAG, Punjab.

Mr. Sandeep Sharma, Advocate for
Mr. R.K. Girdhar, Advocate for respondents No.2 to 5.

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TEJINDER SINGH DHINDSA, J. (ORAL).

The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.63 dated 27.08.2013 under Sections 353/186/342/427/148/149 IPC and Section 3 of the Prevention of Damage to Public Property Act, 1984, registered at Police Station Kotbhai, District Sri Muktsar Sahib.

Since quashing was sought on the basis of compromise, this Court while issuing notice of motion on 11.03.2015 had directed the parties to appear before the Illaqa Magistrate concerned/trial Court for recording of their statements and a report as regards veracity of the compromise was called for. Since there were allegations pertaining to damage of public property, it was specifically directed that the trial Court would also put queries to the complainant at the stage of recording of statements as to whether the accused/present petitioners had actually caused

damage to any public property. Such directions were issued as complainant Kuldeep Sharma, SDO, Punjab State Electricity Board (now as Punjab State Power Corporation Limited) had raised allegations that the accused had only made an attempt to break certain equipment.

Placed on record is a report dated 02.05.2015 of the learned Judicial Magistrate 1st Class, Gidderbaha and a perusal thereof would reveal that the statements of the accused (present petitioners) as also of the private respondents herein have been duly recorded and it has been opined that compromise that has been effected between the parties is without any pressure or coercion. Even the statements of the parties that have been recorded stand appended along with the report. The report further reveals that Mr. Kuldeep Raj, Assistant Engineer, Bariwala, Punjab State Power Corporation Limited has categorically stated that the accused person had not caused any damage to any article/property of the department.

Counsel appearing for respondents No.2 to 5 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 ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (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 the 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 since the parties have amicably resolved the dispute which was essentially personal in nature, it would be a fit case for this Court to intervene.

In the light of the compromise having been effected between the parties, it would be a futile exercise for the criminal proceedings to continue as such. It 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. FIR No.63 dated 27.08.2013 under Sections 353/186/342/427/148/149 IPC and Section 3 of the Prevention of Damage to Public Property Act, 1984, registered at Police Station Kotbhai, District Sri Muktsar Sahib and all proceedings emanating therefrom qua the present petitioners stand quashed.

Petition allowed in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

23.07.2015
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