

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

CRM-M No.11067 of 2016
Date of decision: 27th May, 2016

Harpal Singh and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Vaibhav Narang, Advocate
for the petitioners.

Mr. C.S. Brar, Dy. Advocate General, Punjab
for respondent No.1.

Mr. Subhash Chand, Advocate
for respondents No.2 to 4.

FATEH DEEP SINGH, J.

Petitioners Harpal Singh and Parvinder Singh who happen to be accused in case FIR No.6 dated 08.01.2016 under Sections 186/353/427/506/323/325/452/148/149 IPC pertaining to Police Station Gharinda, District Amritsar Rural, have moved this Court for the exercise of its inherent powers under Section 482 Cr.P.C. for quashing this FIR and all consequences arising therefrom. The main plank for this quashment is on account of compromise between the petitioners/accused and complainant side.

On the basis of this, the matter was referred to the Court below for recording statements of the parties and to submit its report. On

perusal of the report dated 21.04.2014, it transpires that the parties have willfully settled the differences and reached at a bona fide compromise without any undue influence, coercion or pressure and which is well reflected from the statements of the complainant Piara Singh, Amar Singh and Major Singh as well as both the accused Harpal Singh and Parvinder Singh @ Pinda before the Court below on oath.

Upon hearing Mr. Vaibhav Narang, Advocate for the accused/petitioners; Mr. C.S. Brar, Dy. Advocate General, Punjab representing the State/respondent No.1 and Mr. Subhash Chand, Advocate on behalf of respondents No.2 to 4.

It is much in evidence that the FIR in question has been got registered by Amar Singh SSO, Piara Singh ALM and Major Singh SG, who at the relevant time were posted at 220 KV Sub-Station, Khasa, through their written complaint. It was alleged that on 08.01.2016 accused persons accompanied by 10/12 unidentified persons armed with Dangs, Sotas and other weapons including Revolver have trespassed into the Sub Station and assaulted the employees including the complainant and in the process had ransacked the office and this complaint to the police besides Amar Singh, Sub Station Officer has been signed by Piara Singh Assistant Lineman and Major Singh Security Guard.

Thus, what permeates from the arguments of the two sides is that the allegations hover around the fact that the accused persons have

not only trespassed into the Sub Station but have ransacked the office and broke the articles lying therein and even assaulted the public servants who at the relevant time were on duty. Since it is in discharge of their official duties the complainant party who are public servants have not only been threatened and assaulted but also were by use of force desisted from carrying on with their official duties and thus have created obstruction in the discharge of their public duties as public servants. To the very query of this Court, both the sides have admitted that there is no concurrence shown to this compromise by the authorities of the Department. Thus, to the mind of this Court having regard to the fact that by such ransacking and breaking of the articles, public property has been destroyed and thus loss to public exchequer has been caused to which we all contribute. To uphold the Departmental discipline it is desirable that in case a compromise needs to be effected it should be by choosing the proper procedure on the orders of the higher officials in the hierarchy of the Department to ensure that no such compromise is effected at the back of the Department, which is the ultimate victim of this episode.

Though learned counsel for the petitioners has sought much reliance on **‘Kulwinder Singh and others v. State of Punjab and another’ 2007 (3) RCR (Criminal) 1052**, however, a clear cut distinction has to be drawn for an offence between two private individuals and the one between a public servant in the discharge of his

official duties and another individual. This Court places reliance on various views of the coordinate Benches in '**Amrik Singh and others v. State of Punjab and another**' 2016(1) RCR (Criminal) 630 and '**Satnam Dilbagh Singh v. State of Punjab and others**' (CRM-M No.24864 of 2015 decided on 02.12.2015) and another view of Hon'ble Delhi High Court in '**Narayani Gautam & others v. State**' 2010(6) RCR (Criminal) 1892 which is to the similar effect. Thus, apparently no satisfactory and acceptable reasons are forthcoming to give effect to this compromise. More so, if such compromises, as is before this Court, are allowed to have their way, it would not only create chaos contrary to the discipline of the Department but would also result in giving fillip to such errant public servants who may be cowed down by such public and political pressures. Since the FIR in question has been initiated by the public servants in the discharge of their official duties in which incident instrumentality of the State is the actual sufferer therefore, they being not legally competent to do so, is another distressing feature for the petitioners.

In the light of what has been detailed and discussed above, the present petition stands dismissed.

(FATEH DEEP SINGH)
JUDGE

May 27, 2016
rps