

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

CRM-M-12181 of 2016
Date of decision: 03.06.2016

Ajit Singh

----Petitioner (s)

V/s

State of Punjab and another

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr.Anuj K. Thakur, Advocate for
Mr.Sunil Agnihotri, Advocate for the petitioners.

Mr.Gurinderjit Singh, DAG, Punjab.

None for respondent No.2-complainant.

HARI PAL VERMA, J.(Oral)

Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No.27, dated 12.03.2013 under Sections 186/506 IPC, registered at Police Station Dasuya, District Hoshiarpur (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 09.02.2015 (Annexure P-3).

Learned counsel for the petitioner contends that complainant-respondent no.2, namely, Sukhwinder Singh is a *office Sewadar* and before entering into a compromise, he has taken permission from the BDPO/Appointing Authority and, therefore, merely because offence under Section 186 IPC, is mentioned in the FIR, is no impediment for the Court to quash the FIR on the basis of compromise.

This Court vide order dated 08.04.2016 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded with regard to compromise and the Illaqa Magistrate/trial Court was directed to submit its report qua the genuineness of the compromise.

Pursuant to the aforesaid order dated 08.04.2016, the parties have appeared before learned Sub Divisional Judicial Magistrate Dasuya and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 12.05.2016 to the effect that the parties have willfully settled their differences and reached at a bona fide compromise without any pressure and the same is genuine.

Though, today no one is present on behalf of respondent No.2-complainant, namely, Sukhwinder Singh son of Tehal Singh, but no prejudice would be caused to him, as he has already suffered a statement with regard to validity of the compromise before learned Magistrate on 09.05.2016. The said statement reads as under:-

“Stated that criminal case bearing FIR No.27 dated 12.03.2013 under Sec. 186/506 PC, PS Dasuya was got registered by me against accused Sukhwinder Singh son of Tehal Singh resident of Village Toi, Tehsil Dasuya District Hoshiarpur. Now I have entered into compromise with accused persons with my free consent and with the intervention of respectables. After compromise, I have got no ill will or grudge against the accused person and to maintain peace and harmony among the parties, I do not want to pursue this case against accused. It is requested that compromise may kindly be accepted and the present FIR may be quashed against accused. It is further submitted that no accused is PO in this case and FIR was registered only against Ajit Singh.”

Apart from the above statement made by

complainant/respondent No.2, whereby he has shown no objection to the FIR being quashed, there is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Learned counsel for the State does not dispute the factum of compromise arrived at between the parties, however, submits that the petitioner has misbehaved with the complainant/respondent no.2 while he was discharging his official duty, therefore, the FIR should not be quashed.

Heard.

Since the parties have entered into compromise and learned Magistrate has recorded their statements followed by report, continuation of trial arising out of the impugned FIR would be a sheer abuse of process of law since the chances of conviction are bleak.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052 (P&H)**, as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is allowed and FIR No.27, dated 12.03.2013 under Sections 186/506 IPC, registered at Police Station Dasuya, District Hoshiarpur (Annexure P-1) and all consequential proceedings arising therefrom, are quashed, qua the petitioner, in view of the compromise dated 09.02.2015 (Annexure P-3).

03.06.2016

Anjal

**[HARI PAL VERMA]
JUDGE**