

238.

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

CRM-M-20254-2016

Date of decision:22.10.2016

Naib Singh and another

... Petitioners

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Jasdeep S. Toor, Advocate,
for the petitioners.

Mr. P.S. Madahar, AAG, Punjab,
for respondent No.1.

Mr. Neeraj Sharma, Advocate,
for respondents No.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.11 dated 28.01.2014 under Sections 353, 186, 323, 506, 34 of IPC, registered at Police Station Khamano, District Fatehgarh Sahib (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 28.05.2016 (Annexure P-2).

Mr. Neeraj Sharma, Advocate, has put in appearance on behalf of respondents No.2 & 3 and filed vakalatnama which is taken on record.

Learned counsel for the petitioners states that in view of judgment rendered by the Division Bench of this Court in CRM-M-31765-2012 titled as **Vinod @ Boda and others Versus State of Haryana and another**, decided on 01.05.2013 wherein FIR registered under Sections 148, 149, 332, 353, 186, 506 of IPC was quashed on the basis of compromise, the present petition can also be decided in the light of said

judgment.

This Court vide order dated 03.06.2016 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise. Subsequently vide order dated 14.09.2016 passed by this Court, respondent No.3-Hardeep Singh, who being aggrieved person, was ordered to be impleaded and his statement was also ordered to be recorded.

Pursuant to the aforesaid orders, parties have appeared before learned Sub Divisional Judicial Magistrate, Khamanon and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 18.10.2016 to the effect that the compromise has been effected between parties without any pressure or undue influence.

Respondent No.2-complainant, namely, Mukhtiar Singh has made his statement with regard to compromise before learned Magistrate on 14.10.2016. The same is reproduced as under:-

“Stated that I have entered into a settlement vide written compromise deed dated 28.05.2016. The matter has been finally settled between me and the Gurinder Singh son of Naib Singh and Naib Singh son of Bakhsish Singh both residents of village Bhamian, P.S. Khamanon, District Fatehgarh Sahib. The said compromise has been entered into with our own free will, without any pressure, coercion, undue influence, misrepresentation or threat from any quarter. The compromise so entered into is for the benefit and welfare of both the parties and we thereby have resolved to reside peacefully in future. There is no other civil litigation or any criminal case is pending between the parties. Both the accused are present in the court and no accused was declared as P.O.”

Apart from above, a similar statement has also been made by respondent No.3-Hardeep Singh whereby he has shown no objection to the FIR being quashed.

Learned State counsel as well as learned counsel for respondents No.2 and 3 have not disputed the factum of compromise between the parties.

Heard.

Hon'ble Division Bench of this Court in CRM-M-31765-2012 titled as '**Vinod @ Boda and others Versus State of Haryana and another**' has observed as under:-

“Vinod @ Boda etc. have preferred petition under Section 482 of the Code of Criminal Procedure (in short – the Cr.P.C.) for quashing FIR No. 13 dated 13.10.2010 registered under Sections 148, 149, 332, 353, 186 and 506 of the Indian Penal Code (in short – the IPC) Police Station Titram District Kaithal (Annexure P-1) on the basis of compromise Annexure P-2.

2. Report of the trial Court has been received that parties have arrived at a compromise.

3. Learned counsel for the parties have arrived at a compromise and this Court (Jitendra Chaudhan, J.) vide order dated 8.11.2012 passed in Criminal Misc. No. M- 31858 of 2012 titled as Ranjit Singh and Anr. vs. State of Punjab and Anr. allowed the compromise in respect of offences under Sections 353, 186, 341, 332, 427 and 34 of the IPC. Counsel for the petitioners also relied upon authority in C.W.P. No. 4964 of 2013 titled as Court on its own motion vs. U.T., Chandigarh and others and allowed the compromised.

4. Learned State counsel has submitted that compromise cannot be allowed for offence under Sections 353 and 186 of the IPC, as these offences are against the State.

5. I have considered the submissions made by both the sides and have gone through the records of this case.

6. So far as the reliance of petitioners on C.W.P.No. 4964 of 2013 titled as Court on its own motion vs. U.T. Chandigarh and others' case (supra) is concerned in that writ petition there was a dispute between the version given by the Head Constable on one side and Shri Rupinder Singh Khosla, Advocate on the other side and the Division Bench of this court entrusted the matter to the Registrar, Vigilance to carry out a fact finding inquiry.

7. As per report both the sides in the larger interest of the society and for maintaining harmony and strengthening the machinery of administration of justice have mutually decided not to refer the matter to the Court of law and the case was decided accordingly. It was observed in that judgment that there was no likelihood of any success and this exercise would prove to be in futility. The FIR was quashed at the threshold.”

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052** and approved by the Hon'ble Supreme Court in **Gian Singh Versus State of Punjab and others (2012) 10 SCC 303**, as well as Division Bench judgment of this Court in **Vinod @ Boda and others' case** (supra), this petition is allowed and F.I.R. No.11 dated 28.01.2014 under Sections 353, 186, 323, 506, 34 of IPC, registered at Police Station Khamano, District Fatehgarh Sahib (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 28.05.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

22.10.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.