

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

(289)

CRM-M-20323-2016

Date of Decision:-15.09.2016

Rajesh Chohan

.....Petitioner

V/S

U.T. Chandigarh and another

.....Respondents

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present : Mr. Simranjeet Singh, Advocate,
for the petitioner.
Mr. J.S. Toor, Advocate,
for U.T. Chandigarh.

A.B. Chaudhari, J. (Oral)

There is a report from the Registry of this Court that no licence had been issued to the clerks of the advocates and what is issued is only an identity card. This Court finds that there are regulations for issuance of licences/authorisation to work in District Courts in order to have check on the clerks working with the advocates. They enter in the Court offices and files are also accessible to them. In that view of the matter, I think, there should be rules and regulations for the issuance of licences/authorisation to the clerks of the advocates working in the High Court, as such rules do exist in the District Courts. Let the office furnish a report on the next date of hearing on the above aspect.

Heard learned counsel for the rival parties for quite sometime.

This is a petition for quashing the FIR by way of compounding of the offences, in FIR No.644 dated 01.12.2015, registered under Sections 406, 420, 467, 468 and 471 of Indian Penal Code, 1860, at Police Station Manimajra, District UT-Chandigarh. The petitioner has been admittedly

working as a Clerk to an advocate practicing in the Punjab and Haryana High Court, Chandigarh for some years. The FIR, as stated above, was lodged against him with the allegations that the petitioner would get the brother of the informant appointed as a peon in Punjab and Haryana High Court, Chandigarh, upon payment of the sum of ₹7,00,000/-, which was paid according to the informant. The complainant has now come forward by way of affidavit (Annexure P-2) stating that he has no objection for quashing of the FIR against the petitioner, since he has compromised the matter with the petitioner.

In my opinion, the ratio in the case of **Gian Singh Vs. State of Punjab and others, (2012) 10 SCC 303**, in the matter of compounding/compromise is clear namely that in the case of offences involving moral turpitude and particularly in the present case relating to the recruitment of the peons in this High Court, it would be wholly improper and illegal to allow to compound the offences. I am, therefore, not inclined to accept the prayer for quashing of the FIR by way of compromise. However, I have reserve the liberty in favour of the petitioner if he is so advised to challenge the FIR for quashment thereof on its own merits. All the points are kept open in that direction. Petition is thus dismissed with the above liberty.

For submission of the report by the Registrar, the matter be posted on 21.10.2016.

September 15, 2016

Pankaj

(A.B. Chaudhari)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No

Pankaj Kakkar
2016.09.19 18:05
I attest to the accuracy and
integrity of this document