

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

**Sr. No.258**

**CRM-M No. 35032 of 2015**

**Date of decision : 27.09.2016**

**Jassa Singh @ Jasvir Singh and another**

**..... Petitioner**

**Versus**

**State of Punjab and another**

**..... Respondents**

**\*\*\***

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI**

**\*\*\***

Present : Mr. Gurinderjit Singh, Advocate  
for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

Mr. Karambir Singh Advocate  
for respondent No.2-complainant.

**AJAY TEWARI, J (Oral)**

Prayer in the present petition, filed under Section 482 of the Cr.P.C, is for quashing of FIR No.117, dated 22.08.2014, registered under Sections 353/186/323/506/34 of the IPC, at Police Station Julkan, Tehsil and District Patiala on the basis of a compromise, arrived at between the parties.

As per the allegations JE and Baildar during checking at Devigarh Section of Gharam Siphon reached at Burji No. 14980p then Jassa Singh Sarpanch of Village Kotla alongwith his companion started arguing and threatening the J.E.

Learned counsel for the petitioners states that the statements had

been recorded as per which the matter has been settled.

Learned DAG has argued that in this case victim/complainant could not compromise the matter as he was on official duty.

No doubt if a person is on official duty and he is prevented from doing so, compromise cannot be effected. In the present case, there was no allegation that victim was prevented from doing his official duty and consequently offence alleged against the victim was a private offence which includes arguments and taking away his mobile phone. Had it been a case where victim JE had been prevented from doing his duty, it would be different.

In the circumstances, I deem it appropriate to quash the FIR.

On 13.10.2015, the following order was passed:

*Learned counsel for the petitioners submits that petitioners are the only accused in the impugned FIR which is being sought to be quashed on the basis of compromise Annexure P-2 and none of the petitioners is proclaimed offender.*

*Notice of motion for 30.11.2015.*

*In the meantime, parties are directed to appear before the learned Illaqa Magistrate on or before 21.10.2015 for getting their statements recorded, so as to enable the learned court to record its satisfaction about the genuineness of the compromise.*

*Thereafter, the learned Illaqa Magistrate shall send his report to this Court, before the next date of hearing.*

Thereafter report dated 13.012016 from Judicial Magistrate 1st Class has been received attesting to the fact that the matter has been compromised between the parties.

Counsel for the parties have also stated that in fact the matter has been compromised between the parties amicably. Counsel for the State has also confirmed this fact and states that there is no other case pending between the parties.

In view of the facts, noticed herein above, it is apparent that both the parties have arrived at a bona fide settlement. I am of the opinion that it would be in the interest of justice, as also in the interest of parties, if the present FIR and all subsequent proceedings, emanating therefrom are quashed. It is a fit case where this Court should exercise jurisdiction, under Section 482 of the Cr.P.C to put an end to these futile criminal proceedings.

The Hon'ble Supreme Court in **Gian Singh v. State of Punjab and another** reported as 2012(4) RCR(Criminal) 543 has discussed in detail the inherent powers of High Court in quashing a criminal proceeding or FIR or complaint where the parties have entered into compromise except the cases which involve offences such as murder, rape dacoity etc. as such

offences are not private in nature and have serious impact on society.

In view of the above judicial pronouncement, I am of the considered opinion that continuation of criminal proceedings between the parties would be an abuse of the process of law and the present compromise is for their benefit and will bring peace and harmony between them.

Consequently, the present petition is allowed and FIR No.117, dated 22.08.2014, registered under Sections 353/186/323/506/34 of the IPC, at Police Station Julkan, Tehsil and District Patiala and all subsequent proceedings, emanating therefrom, are quashed.

**September 27, 2016**  
**anuradha**

**( AJAY TEWARI )**  
**JUDGE**

**Whether speaking/reasoned**

**Yes/No**

**Whether reportable**

**Yes/No**