

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM M-35573 of 2015****Date of decision :09.05.2016**

Raghbir Singh & ors.

....Petitioners

V/s

State of Punjab & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. J.S. Bhinder, Advocate for the petitioners.

Mr. Ankur Jain, AAG Punjab.

RAJAN GUPTA J.

This is a petition for quashing of FIR on the basis of compromise. FIR was registered on complaint of Sentry posted at Chowki Kauhrian. He stated that on 24.11.2014, he was on duty from 6.00 P.M. to 10.00 P.M. At that time, five persons came in a Esteem car in a inebriated state. They stopped the car near the gate and started abusing the complainant. One of them namely Raghvir Singh got hold of rifle of the Sentry and other gave slaps. The Sentry raised hue and cry. Other police officials reached the spot and apprehended accused Davinder Singh and Raghvir Singh. FIR was registered and investigation ensued. Investigating agency found substance in the allegations and presented a challan. During pendency of proceedings, instant petition was filed to seek quashing of FIR on the basis of compromise. Vide order dated 15.10.2015, coordinate Bench sought report regarding genuineness of the compromise. Report has been received. Constable namely Jaspal Singh who was posted as Sentry appeared before the court below

and made a statement that he had effected a compromise with the accused of his own free Will.

On due consideration of the matter, I find that there is no ground to quash the instant FIR on the basis of compromise. Accused are stated to have used force for deterring a public servant from discharge of his duty. Complainant was posted on Sentry duty, at that time he was assaulted by the accused. Even his rifle was snatched. It is inexplicable how said constable was competent to enter into a compromise with the accused. Offences of this nature are to be prosecuted by the State and not by the complainant. There is nothing on record to show that complainant was authorized by higher authority to enter into a settlement on behalf of the State. No document has been produced to show that permission of the competent authority was sought by Constable Jaspal Singh before making a statement regarding settlement with the accused.

In the facts and circumstances of the case, prayer for quashing of FIR on the basis of compromise is wholly misconceived. Petition is hereby dismissed.

Senior Superintendent of Police, Sangrur would examine whether any departmental action needs to be initiated against the complainant for entering into compromise with the accused without any authority.

May 09, 2016

Ajay

(RAJAN GUPTA)
JUDGE

Referred to the Reporter - Yes