

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

CRM-M No.514 of 2016

Date of decision: 30th May, 2016

Charanjit Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. R.K. Trikha, Advocate for the petitioners.

Mr. Gurveer Sidhu, Asstt. Advocate General, Punjab
for respondent No.1.

None for respondent No.2.

FATEH DEEP SINGH, J.

Petitioners Charanjit Singh, Lakhvir Singh and Harminder Singh who are accused in case FIR No.80 dated 29.05.2014 under Sections 356/353/186 IPC registered at Police Station Dasuya, District Hoshiarpur (Annexure P1) have preferred this petition under Section 482 Cr.P.C. seeking quashing of the FIR so got registered by respondent No.2 Amarjit Singh Kanungo, Halqa Gardhiwala on the basis of compromise (Annexure P2) executed on 04.08.2015.

The matter was sent to the trial Court for recording statements of the parties vide orders dated 11.01.2016 and in consequence of the same, report dated 06.02.2016 has been received

from the concerned Court of Sub Divisional Judicial Magistrate, Dasuya whereby the Court has shown its satisfaction that the parties have compromised without any undue influence, coercion and pressure.

Heard Mr. R.K. Trikha, Advocate for the petitioners and Mr.Gurveer Sidhu, Asstt. Advocate General, Punjab for respondent No.1.

As is reflected from the records, it was on the written complaint of respondent No.2 Amarjit Singh Kanungo Halqa Gardhiwala addressed to the SDM, Dasuya whereby it was alleged that the accused had tried to influence him in the discharge of his official duties and had threatened to kill him in case he testifies against them and as a sequel on 09.05.2014 the accused had physically assaulted the complainant leading to the registration of the case.

The petitioner is a public servant as defined under Section 21 of the IPC and while in the discharge of his duties as a public servant he was threatened, physically assaulted and thus, by the acts of the accused he has been obstructed from carrying on with his official duties. Keeping in view that though the complainant has effected compromise with the accused petitioners but the same is against the Department discipline and decorum, and without due approval and sanction of the competent authority i.e. his superiors he has entered into this compromise. Having regard to the service discipline and to ensure that such like public servants do not circumvent the law in such manner at

the back of their Department, the petitioner has never been given the go-ahead by the Department to effect such a compromise and therefore, to the mind of this Court his conduct certainly needs to be deprecated. More so, to ensure that such like compromise by a public servant is not allowed to be made as it will be contrary to public policy, against maintaining public order, in the light of which and the fact that it is an unilateral act of a public servant/respondent No.2 that he has sought to get the things compromised, impels this Court to decline the prayer made by the petitioner.

Therefore, there being no merits in the present petition, the same stands dismissed.

(FATEH DEEP SINGH)
JUDGE

May 30, 2016
rps