

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

**CRM-M-6018 of 2016
Date of Decision: April 12, 2016**

Gurpreet Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

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

Mr. J.S. Brar, AAG, Punjab.

Mr. Gurdarshan Singh Sidhu, Advocate
for respondents No.2 and 3.

FATEH DEEP SINGH, J.

In this petition under Section 482 Cr.P.C. the petitioners Gurpreet Singh, Harcharan Singh @ Channa, Jaswinder Singh, Gurmail Singh, Bhola Singh and Makhan Singh have sought quashment of FIR No.59 dated 18.08.2010 under Sections 364,353,186,332,427,506,148,149 IPC with Police Station Jaurkian, District Mansa Annexure P/1 and subsequent proceedings arising therefrom on the basis of compromise Annexure P/2.

Upon hearing learned counsel for the parties and perusing the records of the case. Admittedly an FIR was got registered on the statement of one Manjit Singh, SSA, Punjab State Power Corporation Grid, Raipur on the allegations that while he was on duty at 11 KV Moosa feeder on 18.08.2010 at 7.02 p.m. on account of some fault while they were rectifying the fault when around 9.30 p.m. an

Eicher tractor being driven by one Gurpreet Singh on which his co-accused Harcharan Singh @ Channa, Jaswinder Singh, Gurmail Singh, Bhola Singh, Bogra Singh Janta Singh and Makhan Singh along with 20-25 unknown persons came and broke upon the main gate after which the accused raised lalkaras and started ransacking the grid station and physically assaulted the employees by tearing their clothes, breaking the articles lying therein. It is the stand of the complainant that occurrence was witnessed by others.

The contentions of the learned counsel for the petitioners that the parties have effected a compromise on the basis of statement of complainant Annexure P/2 and that the police has already filed cancellation report to which the complainant has shown concurrence but the same was declined vide order dated 31.8.2012. Certainly is a preposterous proposition that is sought to be put forth before this Court for which learned counsel for the petitioners has sought to seek reliance on **CWP No.4964 of 2013 Court on its own motion vs. U.T. Chandigarh and others** and **CRM-M-12006 of 2013 Jalour Singh vs. State of Punjab and another** that even if a complaint has been lodged by public servant the Court can allow a party to effect a compromise.

In the light of submissions of the State counsel which could not be successfully controverted by the petitioner's counsel since the learned Sub-Divisional Judicial Magistrate, Sardulgarh vide order dated 31.8.2012 already declined to accept the cancellation report and has ordered investigations, thus, the only recourse to the mind of this Court available with the petitioners was to challenge that very order which they never preferred. Since the miscreants have ransacked the public property comprising of the power station owned by an instrumentality of State and, thus, by their irresponsible and illegal acts

have caused loss to public property and, thus, to public money. Since an official, who is deemed to be a public servant lodged an FIR and without having regard to the departmental discipline which confers upon him an obligation to take sanction of the appropriate authority to effect a compromise certainly he cannot in the capacity of a public servant in which he has lodged an FIR can be allowed to get the matter compromised at the back of the authorities/Department who are ultimately sufferers of this incident.

Keeping in view the conduct of the complainant which needs to be deprecated and in larger public interest impels this Court to hold that the petitioners are certainly not entitled to such a relief.

The petition stands dismissed.

(FATEH DEEP SINGH)
JUDGE

April 12, 2016
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