

251.

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

CRM-M-22858-2017

Date of decision:05.09.2017.

SUKHMANDER SINGH ALIAS BHOLU AND ORS ... Petitioners

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Arshdeep Singh Brar, Advocate,
for the petitioners.

Mr. A.S. Dhaliwal, DAG, Punjab,
for respondent No.1.

Mr. K.K. Choudhary, Advocate,
for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.89 dated 15.09.2015 under Sections 353, 186, 506, 323 IPC and Sections 3/4/5 of S.C./S.T. Act, registered at Police Station Mehna, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 31.05.2017 (Annexure P-2).

This Court vide order dated 12.07.2017 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, the parties have appeared before learned Additional District & Sessions Judge, Moga and got their statements recorded. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 14.08.2017 to the effect that the compromise has been effected between the parties voluntarily.

Respondent No.2-complainant, namely, Swaranjit Singh has made his statement with regard to compromise before learned Magistrate on 14.08.2017. The same is reproduced as under:-

“Stated that I am sarpanch of Village Mehron. On 15.09.2015, accused had attacked me and Sukhbir Singh, Secretary of Gram Panchayat of Village Mehron and they caused injuries to us. I belong to Scheduled Caste. Accused had also humiliated me on account of my belonging to Scheduled Caste. I had got registered FIR No.89 dated 15.09.2015 under sections 353, 186, 323, 506 IPC and section 3, 4 and 5 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act. Now compromise has been effected between the parties. I do not want any further proceedings to be conducted against the accused. Further proceedings against the accused should be dropped. Sukhbir Singh is not party to the said compromise.”

Learned counsel for the petitioners states that though the complainant in the present case is a public servant, but in the light of judgment rendered by the Division Bench of this Court in **CRM-M-**

Haryana and another, decided on 01.05.2013, wherein FIR registered under Sections 148, 149, 332, 353, 186, 506 of IPC was quashed on the basis of compromise, the FIR in the present petition can also be quashed.

On the other hand, learned State counsel states that since the accused had obstructed the complainant from discharging his official duty being Sarpach of the Village, the FIR in question cannot be quashed. However, the factum of compromise between the parties has not been disputed by learned State counsel.

I have heard learned counsel for the parties.

Perusal of the report submitted by learned Magistrate reveals that the complainant has compromised the matter with the accused and he does not want any further proceedings to be conducted against the accused. Moreover, the offence as referred in the FIR is not so grave that the FIR cannot be quashed on the basis of compromise between the parties.

Hon'ble Division Bench of this Court in **Vinod @ Boda and others' case (supra)** has observed as under:

“In the present case, merely because the complainant was working as a teacher and injuries were caused to him while he was on duty at School, learned Single Judge has treated it to be a case of an offence against the 'society' observing that public servant has been prohibited from performing his duties, the proceedings cannot be quashed. Whereas, in the facts and circumstances of the case, the dispute

was prima facie between the parties in their individual and private capacity. Therefore, even on merit, the present is a fit case where the ends of justice demand quashing of proceedings as the dispute has been settled amicably and this would bring harmony between the parties.

Moreover, in this case, the parties have already appeared before the Trial Court and the Trial Court has authenticated the compromise on the basis of the statements of the parties made before it.

For the reasons stated above, it is held that in view of settled law, as discussed above, the powers of High Court under Section 482 CrPC are wide enough, though to be exercised sparingly and judiciously, and this Court can quash criminal proceedings in the peculiar facts of the case even where offence is against public servant.

Consequently, in the facts and circumstances of this case and for the reasons aforesaid, we allow this petition. FIR No.13, dated 13.10.2010, under Sections 148, 149, 332, 353, 186, 506 of the Indian Penal Code, registered at Police Station Titram, District Kaithal, and all the criminal proceedings arising out of the said FIR stand quashed.”

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Thus, in view of the observations made by the Division Bench of this Court in **Vinod @ Boda and others' case (supra)** and following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others Versus State of Punjab and**

another 2007 (3) RCR (Criminal) 1052 and approved by the Hon'ble Supreme Court in **Gian Singh Versus State of Punjab and others (2012) 10 SCC 303**, this petition is allowed and FIR No.89 dated 15.09.2015 under Sections 353,186, 506, 323 IPC and Sections 3/4/5 of S.C./S.T. Act, registered at Police Station Mehna, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 31.05.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

05.09.2017
sanjeev

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No