

260.

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

CRM-M-36641-2017

Date of decision:12.12.2017.

KUNAN SINGH

... Petitioner

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Deepankur Sharma, Advocate,
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab,
for respondent No.1.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.45 dated 02.05.2014 under Sections 186/353/506 of IPC, registered at Police Station Kathunangal, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 16.09.2017 (Annexure P-2).

This Court vide order dated 03.10.2017 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 Chief Judicial Magistrate, Amritsar and got their statements recorded. On the basis of the statements so recorded by the

parties, learned Magistrate has submitted the report dated 07.11.2017 to the

effect that the compromise is genuine and the same has been effected between the parties voluntarily and out of free will.

Respondent No.2-complainant, namely, Kuldeep Singh has made his statement with regard to compromise before learned Magistrate on 03.11.2017. The same is reproduced as under:-

“That one FIR no.45 dated 02.05.2014, under section 186/ 353/ 506 of IPC, PS Kathunangal, Amritsar was registered on my statement against accused person namely Kunan Singh. Now with the intervention of respectables of society, compromise has been effected between us without any pressure and undue influence. As per the compromise, I do not want to proceed with the case further and I have no objection if the FIR no.45 dated 02.05.2014, under section 186/353/506 of IPC, PS Kathunangal, Amritsar be quashed/cancelled by the Hon'ble High Court qua accused. It is further submitted that there is only person arrayed as accused in FIR and he is not declared proclaimed offender at any stage.”

Learned counsel for the petitioner submits that so far as the offence under Section 186 IPC is concerned, same is not attracted in the case, as the complainant was not on duty at the time of alleged occurrence. He relies upon Division Bench judgment of this Court in **Vinod @ Boda and others Versus State of Haryana and another-2017(1) R.C.R. (Criminal) 571**, to contend that where dispute is between the parties in their individual and private capacity, there is no impediment for the court to quash the FIR.

Learned State counsel has not disputed the factum of compromise between the parties.

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:

“16. 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.

17. 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.

18. 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.

19. 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 F.I.R. No.45 dated 02.05.2014 under Sections 186/353/506 of IPC, registered at Police Station Kathunangal, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 16.09.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

12.12.2017
sanjeev

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