

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

**Crl. Misc. No. M-37357 of 2015
Date of Decision: 11.10.2017**

Gurwinder Singh Petitioner

Vs.

State of Punjab and others Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. B.S. Jaswal, Advocate for the petitioner.

Mr. Bhupender Singh, AAG, Punjab.

Mr. Ramesh Sharma, Advocate for respondents
No.2 to 7.

Hari Pal Verma, J.(Oral)

Crl. Misc. No.32938 of 2017

This is an application for placing on record permission granted to the complainant to effect the compromise as Annexure P.4.

Application is allowed. Annexure P.4 is taken on record.

Crl. Misc. No. M-37357 of 2015

Prayer in this petition filed under Section 482 Cr.P.C is for quashing of FIR No.344 dated 07.12.2013 registered under Sections 353/186/332/506/34, IPC at Police Station Chharretta, District Amritsar (Rural) (Annexure P.1) and all subsequent proceedings arising therefrom on the basis of compromise dated 12.09.2014 and 08.10.2015 (Annexures P.2 and P.3) respectively.

This Court vide order dated 04.11.2015, directed the parties to appear before the trial Court on or before 19.11.2015 to get their statements

recorded in support of the compromise. The trial Court was further directed to record its satisfaction with regard to the genuineness of the compromise and to forward a report to this Court.

Accordingly, the parties have appeared before the trial Court and the learned Magistrate has forwarded the report dated 08.02.2016 informing the Court that the matter has been compromised between the parties with their free will and full senses, volition of the parties, without any fear, apprehension, undue influence or coercion.

The complainant (respondent No.2), namely, Swarnjit Singh, SDO, on whose behalf the FIR was registered has made a statement before the trial Court on 03.02.2016 stating therein that he has no objection if the FIR and other proceedings arising therefrom are quashed on the basis of compromise. Even the other affected complainants, i.e. respondents No.3 to 7 have also made statement in support of the compromise and have shown their satisfaction qua the compromise entered between the parties.

Learned counsel for the petitioner has argued that the competent authority, i.e. Additional Superintending Engineer, Eastern Division, Punjab State Power Corporation Limited has authorised the complainant Swarnjit Singh to enter into a compromise with the petitioner. As such, there is no impediment in case the FIR in question is quashed which includes the offence under Section 186 IPC.

Counsel appearing for respondents No.2 to 7 has admitted the factum of compromise and has submitted that the aforesaid respondents have appeared before the trial Court in support of the compromise.

Learned State Counsel, on instructions from Gurbaj Singh, HC,

states that as apprised by the Investigating Officer, the matter has been compromised between the parties.

I have heard counsel for the parties.

Considered the report submitted by the learned Magistrate and the statement of the parties, i.e. complainant – respondents No.2 to 7, this Court is satisfied that the complainants have shown their inclination to get the matter compromised with the accused. The report submitted by the learned trial Court has nowhere suggested that the statements made by the parties are influenced in any manner. Compromise has been signed by all the parties.

Hon'ble Division Bench of this Court in Crl. Misc. No. M-31765 of 2012 titled as ***Vinod @ Boda and others vs. State of Haryana and another*** decided on 01.05.2013 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 aforestated, 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.344 dated 07.12.2013 registered under Sections 353/186/332/506/34, IPC at Police Station Chherretta, District Amritsar (Rural) and all consequential proceedings arising therefrom are quashed

qua the petitioners on the basis of compromise dated 12.09.2014 and 08.10.2015 (Annexures P.2 and P.3) respectively.

October 11, 2017
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(HARI PAL VERMA)
JUDGE

Whether Speaking/reasoned?	Yes/No
Whether Reportable?	Yes/No