

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

**CRM No.M-46136 of 2016 (O&M)
Date of Decision: 20.03.2017**

Satnam Singh & others

--Petitioners

Versus

State of Punjab & another

--Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Veneet Sharma, Advocate for the petitioners.

Mr. Varun Sharma, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.36 dated 31.03.2011, under Sections 452/341/427/506/148/149 IPC, registered at Police Station Cantonment, Amritsar City, District Amritsar on the basis of compromise.

Since quashing was sought on the basis of compromise, parties had been directed to appear before the trial Court for recording of their statements in support of the compromise and a veracity report had been called for.

It would be apposite to take note that FIR came to be registered on the statement of Daljit Singh, Principal of Khalsa College, Amritsar. Allegations are that on 16.03.2011, when the complainant had reached college from his residence then certain members of the non-teaching staff were present and who had been called inside the seminar hall for certain talks. Precise allegations are that at that point of time and in pursuance to an earlier planned conspiracy, 22 members of the teaching staff of the college came inside the seminar hall, forcibly surrounded the complainant and raised

slogans against the President of the Managing Committee as also the Honorary Secretary. Complainant alleged that he was forcibly detained for three hours in the seminar hall and as such his position had been defamed and he was prevented from discharging his duties.

Even though, FIR was registered against 22 members of the teaching faculty, the instant petition has been preferred on behalf of 20 accused/petitioners.

Placed on record is a report dated 08.03.2017 of the Judicial Magistrate 1st Class, Amritsar, accompanied by the statements of the complainant Daljit Singh as also of the present 20 petitioners.

Perusal of the statements recorded of the complainant/Daljit Singh clearly reveals that he had entered into a written compromise with all the petitioners herein. He has further clearly stated that he would have no objection if the FIR is quashed against the present petitioners. Even the statements of each one of the petitioners are appended along with the report sent by the Judicial Magistrate 1st Class, Amritsar.

This Court in appropriate cases can exercise the power under Section 482 Cr.P.C. for quashing of criminal proceedings/FIR on the basis of compromise. A reference in this regard may be made to a Full Bench decision of this Court in ***Kulwinder Singh & others Vs. State of Punjab & others, 2007 (3) RCR (Criminal) 1052.***

Even though, learned State counsel would submit that it is not a comprehensive settlement inasmuch as one of the accused has been declared a proclaimed offender and with one, no compromise has been arrived at, yet fact of the matter is that the 20 petitioners herein are either serving or retired teachers and all are professors forming part of the teaching faculty of Khalsa

College, Amritsar.

In the considered view of this Court, it would be a fit case to intervene in the matter and to bring to an end the dispute between the Principal, who has since retired as also the present petitioners who either hold the teaching faculty positions or have also since retired. Recognition of the compromise would certainly prevent the image of institution being tarnished.

For the reasons recorded above, the present petition is allowed. FIR No.36 dated 31.03.2011, under Sections 452/341/427/506/148/149 IPC, registered at Police Station Cantonment, Amritsar City, District Amritsar and all proceedings emanating therefrom qua the present petitioners stand quashed.

Petition allowed in the aforesaid terms.

20.03.2017

harjeet

(TEJINDER SINGH DHINDSA)

JUDGE

- | | | |
|-----|----------------------------|-----|
| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |