

239.

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

CRM-M-6561-2017

Date of decision:01.11.2017

NAIB SINGH & ORS

... Petitioners

versus

STATE OF PUNJAB & ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Siddharth Gupta, Advocate,
for the petitioners.

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

Respondent No.2 in person.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.14 dated 04.04.2015 under Sections 353, 186, 341, 506, 323, 148, 149 IPC, registered at Police Station Ballianwali, District Bathinda(Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 30.01.2017 (Annexure P-2).

Pursuant to the order dated 11.09.2017 passed by this Court, respondent No.2-complainant, namely, Ravinderpal Singh, Additional Assistant Engineer is present in Court. He has been identified by learned State counsel. The complainant states that he has also made a statement before the learned Magistrate on 27.03.2017 to

the effect that he has no objection if the FIR in question is quashed.

This Court vide order dated 28.02.2017 had directed the parties to appear before the Illaqa Magistrate 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 Judicial Magistrate Ist Class, Phul and got their statements recorded. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 07.04.2017 to the effect that the compromise has been effected between the parties voluntarily.

Respondent No.2-complainant, namely, Ravinderpal Singh has made his statement with regard to compromise before learned Magistrate on 27.03.2017. The same is reproduced as under:-

“Stated that a compromise has been entered between me and accused persons namely Naib Singh son of Mukhtiar Singh, Nirmal Singh son of Naib Singh son of Mukhtiar Singh, Gurpreet Singh son of Naib Singh, Sukhdev Singh @ Sukhi son of Bant Singh, Sony Singh @ Harpreet Singh son of Gholla Singh, Sattu Singh @ Satnam Singh son of Gholla Singh, Palwinder Singh @ Parminder Singh son of Balkar Singh, Kabal Singh son of Gurtar Singh and Baljinder Singh son of Teja Singh all residents of Village Ramniwas Sub Tehsil Balianwali, District Bathinda with the intervention of respectable persons and I do not want to continue my case against these accused persons in FIR No.14 dated 04.04.2015, under section 353, 186, 341, 506, 323, 148, 149 IPC registered at Police Station Balianwali District Bathinda. Now there is no dispute between me and accused persons of any kind. I have given the statement out of my free will without any external pressure or coercion. I have no objection if the FIR No.14 dated 04.04.2015, Under section 353, 186, 341, 506, 323, 148, 149 IPC registered at Police Station Balianwali District Bathinda, is

quashed against the above mentioned accused persons.
Copy of my identity card is Ex.PA.”

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 **Vinod @ Boda and others Versus State of Haryana and another-2017(1) R.C.R. (Criminal) 571**, 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.

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.14 dated 04.04.2015 under Sections 353, 186, 341, 506, 323, 148, 149 IPC, registered at Police Station Ballianwali, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 30.01.2017 (Annexure

Legal Services Authority, Punjab, within one month and the petitioner shall submit a copy of the receipt with the Registry.

It is made clear that in case petitioner failed to deposit the cost within the stipulated period, the present petition shall deem to have been dismissed.

(HARI PAL VERMA)
JUDGE

01.11.2017
sanjeev

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