

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

258

CRM-M-13539-2018

Date of Decision:27.08.2018

Rajesh Soni and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

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

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

Mr. Surinder Pal Singh Tinna, Addl. A.G., Punjab.

Ms. Meenakshi Dhiman, Advocate for
Mr. Raghav Sharma, Advocate,
for respondent Nos.2 to 4.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.23 dated 18.01.2018 registered under Sections 353, 186, 332 IPC, at Police Station Division No.4, District Police Commissionerate Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 13.03.2018 (Annexure P-2).

Power of attorney filed on behalf of respondent Nos.2 to 4 is taken on record.

This Court vide order dated 25.05.2018 had directed the parties to appear before learned 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 Judicial Magistrate 1st Class, Ludhiana and got their statements recorded. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 23.08.2018 to the effect that with the intervention of the respectables, the compromise has been effected between the parties without any fear and pressure. The compromise appears to be genuine.

Respondent No.2-complainant, namely, Harvinder Singh has made a statement with regard to compromise before learned Magistrate on 15.06.2018. The same is reproduced as under:-

“Stated that I have got registered an FIR No.23 dt. 18.01.18 u/s 353, 186, 332 IPC at P.S. Division No.4, LDH. against Rajesh Soni, Rahul Soni and Ashok Kumar. Now compromise has been effected between both the parties vide compromise deed Ex.C1. I have no objection if the aforesaid FIR is quashed.”

Apart from above, a similar statement has also been made by respondent No.3-Sanjit Kumar and respondent No.4-Gurvinder Singh, whereby they have shown no objection to the present FIR being quashed.

Learned counsel for the petitioners states that 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 as well as learned counsel for

respondents No.2 to 4 have 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.23 dated 18.01.2018 registered under Sections 353, 186, 332 IPC, at Police Station Division No.4, District Police Commissionerate Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom qua the petitioners on the basis of compromise dated 13.03.2018 (Annexure P-2), subject to payment of costs of ₹30,000/- (₹10,000/- by each petitioner) to be paid within 15 days from today with the Deputy Commissioner, Ludhiana, towards Kerala Chief Minister's Distress Relief Fund.

August 27, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No