

255.

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

**CRM-M-17484-2017**

Date of decision:03.12.2018.

VINAY KUMAR LUTHER @ VINAY KUMAR

... Petitioner

Versus

STATE OF PUNJAB AND ANR.

.... Respondents

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

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Present: Mr.Deepak Gupta, Advocate,  
for the petitioner.

Mr.Rana Harjasdeep Singh, DAG, Punjab,  
for respondent No.1.

Mr. Aman Garg, Advocate,  
for respondent No.2.

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**HARI PAL VERMA, J.(Oral)**

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.0026 dated 23.02.2017 registered under Sections 353, 332, 186 of IPC at Police Station Division No.5, Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 28.04.2017 (Annexure P-2).

This Court vide order dated 29.08.2018 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, parties have appeared before learned Judicial Magistrate Ist Class, Jalandhar and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 06.10.2018 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any pressure, coercion or undue influence from any quarter.

Respondent No.2-complainant, namely, Devender has made his statement with regard to compromise before learned Magistrate on 01.10.2018. The same is reproduced as under:-

“That an FIR No.0026 dated 23.02.2017 under Section 353, 332, 186 of IPC was lodged with the police Station Divn. No.5 Jalandhar on the basis of complaint made by me against the accused Vinay Kumar Luthar @ Vinay Kumar S/o Sh. Kasturi Lal, R/o # 17, Ujala Nagar, Basti Sheikh Jalandhar, Punjab. I have voluntarily arrived at compromise with the accused without any pressure, threat or coercion with my own will and original compromise is Ex.C1. My identity proof which is a photocopy of Office Identity Card issued by Enforcement Directorate Govt. of India is Ex.C3 (original seen and returned). I have no objection if the said FIR may kindly be quashed.”

Learned counsel for the petitioner states that though the complainant in the present case is working as Assistant Enforcement Officer with the Directorate of Enforcement, Jalandhar, 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 as well as learned counsel for respondent No.2 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.0026 dated 23.02.2017 registered under Sections 353, 332, 186 of IPC at Police Station Division No.5, Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 28.04.2017 (Annexure P-2).

**(HARI PAL VERMA)**  
**JUDGE**

03.12.2018  
sanjeev

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