

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

CRM-M-19409-2017 (O&M)

Date of Decision:-15.11.2018

Bhagwan Singh Sandhu

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Narinder Singh, Advocate for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioner seeks quashing of FIR No.330 dated 30.10.2014 registered under Sections 353, 186, 332 and 506 of Indian Penal Code, 1860 at Police Station City Sangrur, District Sangrur and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Vide order dated 26.5.2017, the parties had been directed to appear before the Illaqa Magistrate/concerned Court, so as to get their statements recorded qua the factum of compromise.

Report of learned Judicial Magistrate 1st Class, Sangrur has been received, wherein it has been reported that the statements of petitioner/accused Bhagwan Singh Sandhu as well as of complainant Gurinder Singh Rana have been recorded to the effect that they have compromised the matter amongst themselves. It has specifically been opined

by learned Judicial Magistrate 1st Class, Sangrur that the parties have entered into compromise voluntarily and without there being any pressure, coercion or undue influence.

Although the offences alleged against the petitioner include offences under Sections 353 and 186 of Indian Penal Code, 1860, but a perusal of the FIR indicates that the offences alleged to have been committed against the complainant in the personal capacity and have nothing to do with the official discharge of duties of the complainant. A gist of the allegations is that on the day of occurrence when the complainant posted as Inspection Incharge in Food and Supply Department at Malerkotla, was talking to District Food and Supplies Controller then the petitioner/accused came into the office and started speaking in a loud voice and abused the complainant and threatened him to get him implicated by the Vigilance Department in case the file pertaining to his sheller is not sent for allotment to Chandigarh. The complainant has alleged that he objected to use of bad language and told him that his file was incomplete and that he should get the same completed and thereafter the accused left the office while abusing the complainant. It is further alleged that after some time when the complainant came out of the room of District Food and Supplies Controller then the accused caught him from his collar and gave beatings to him and he was rescued by some other employees of the office. The aforesaid allegations thus indicate that it is an offence committed against the complainant in the personal capacity and cannot be said to have been committed to deter the complainant from discharge of his official duties. Consequently, the matter having been compromised as reported by learned

Judicial Magistrate 1st Class, Sangrur, the ratio of Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab would be applicable. Resultantly, the petition is allowed and FIR No.330 dated 30.10.2014 registered under Sections 353, 186, 332 and 506 of Indian Penal Code, 1860 at Police Station City Sangrur, District Sangrur and all the consequent proceedings arising therefrom are hereby quashed qua the petitioner.

15.11.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether reasoned/speaking

Yes / No

Whether reportable

Yes / No