

CRM-M-2529-2017(O&M) &
CRM-M-15957-2017(O&M)

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

(1) CRM-M-2529-2017(O&M)

Vikramjit Singh @ Bikramjit Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

(2) CRM-M-15957-2017(O&M)

Rekha Rani @ Bholi

...Petitioner

Versus

State of Punjab and others

...Respondents

Date of Decision:-1.10.2018

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.L.S. Mann, Advocate for the petitioners in
CRM-M-2529-2017 and for respondent No.2 in
CRM-M-15957-2017.

Mr.S.P. Soi, Advocate for the petitioner in
CRM-M-15957-2017 and for respondent No.2 in
CRM-M-2529-2017.

Mr.Rakeshinder Singh Sidhu, AAG, Punjab.

H.S. MADAAN, J.

By this order, I shall dispose of two petitions i.e. **CRM-M-2529-2017** filed by petitioners – Vikramjit Singh @ Bikramjit Singh and others for quashing of complaint No.104/1/14 dated 6.6.2014 titled as “Rekha Rani Vs. Vikramjit Singh and others”, under Sections 323, 341, 354, 506, 120-B IPC and Sections 3, 4, 5 of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 (for short – 'the Act), Police Station Shahkot, District Jalandhar and summoning order dated 27.10.2014 passed by JMIC, Nakodar and ancillary proceedings arising therefrom on the basis of compromise dated 8.3.2016.

Whereas CRM-M-15957-2017 has been filed by petitioner Rekha Rani @ Bholi for quashing of FIR No.128 dated 29.5.2014, under Sections 353, 186, 34 IPC, registered with Police Station Shahkot, District Jalandhar and subsequent proceedings arising therefrom.

Briefly stated, the facts of the case are that complainant Rekha Rani had filed a criminal complaint under Sections 323, 341, 354, 506, 120-B IPC and Sections 3, 4, 5 of the Act against Vikramjit Singh etc., who are petitioners in CRM-M-2529-2017 before this Court.

After recording of preliminary evidence, the accused were ordered to be summoned for the offences under Sections 323, 341, 354, 506 read with Section 149 IPC and Sections 3(i)(xi), 3(ii)(vii) of the Act.

The parties are said to have compromised the matter. Their statements in that regard have been recorded by the trial Court. Copy of written compromise dated 8.3.2016 in that regard has been placed on record while making a prayer for quashing of the complaint and ancillary

proceedings.

It may be mentioned here that an FIR No.128 dated 29.5.2014 for the offences under Sections 353, 186, 34 IPC was registered with Police Station Shahkot, District Jalandhar against Rekha Rani @ Bholi on the allegations that she had attacked the police personnel on duty caught hold of Constable Gurmeet Singh from his neck and broke buttons of his uniform. She had done so to facilitate to escape of Gogi @ Joginder Singh having illicit liquor. Rekha @ Bholi and Joginder Singh @ Gogi had been arrested in that case and they were sent up to face trial. They had confessed their guilt before Judicial Magistrate Ist Class, Nakodar and vide judgment dated 7.4.2017, they were convicted for the offences under Sections 353 and 186 IPC and were ordered to be released on probation for one year. Rekha Rani @ Bholi has also filed CRM-M-15957-2017 for quashing of the said FIR and subsequent proceedings arising therefrom including conviction order on the basis of compromise. In that case also, statements of parties have been recorded. The trial Court has sent reports to this Court.

I have heard learned counsel for the parties besides going through the record and I find that both the petitions deserve to be dismissed.

The petitioners in CRM-M-2529-2017 being police officials are public servants. As per allegations in the FIR No.128/2014, Rekha Rani had assaulted the police officials on duty. She along with her co-accused Joginder Singh @ Gogi were challaned and sent up to face trial, where Rekha Rani and her co-accused had admitted their guilt. They were

convicted though released on probation. Such type of act and conduct on the part of Rekha Rani cannot be viewed with any leniency lest that should send a wrong message in the society that one can assault public servants on duty and then can get away easily by entering into compromise with such public servants. After conviction of Rekha Rani, it was highly improper on the part of the public officers concerned to enter into settlement with her so as to scuttle the process of law. That settlement can certainly be not given approval by this Court.

As regards the compromise in the private complaint case filed by Rekha Rani against the petitioners, the same appears to be counter-blast to the FIR registered against her and as a pressure tactic so as to bring the petitioners to negotiations. Her such conduct is deplorable. The way in which the compromise has been entered into and clear motive for the same is something to which legal sanction cannot be granted.

Therefore, I do not find any reason to allow the petitions.

Both the petitions stand dismissed accordingly.

Necessary information be sent to the quarter concerned.

1.10.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No