

266.

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

CRM-M-34501-2018

Date of decision:27.11.2018.

MANJEET

... Petitioner

Versus

STATE OF HARYANA AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Sarla Chahal, Advocate,
for the petitioner.

Mr. Ripu Daman, AAG, Haryana,
for respondent No.1.

None for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.0292 dated 08.09.2017 registered under Sections 186, 332, 353 and 506 of IPC at Police Station Sadar Hansi, District Hansi (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 04.08.2018 (Annexure P-2).

This Court vide order dated 26.09.2018 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, the parties have appeared before learned Judicial Magistrate Ist Class, Hansi and got their statements recorded. On the basis of the statements so recorded by the parties, learned

Magistrate has submitted the report dated 13.10.2018 to the effect that the compromise has been effected between the parties voluntarily, without any pressure or inducement.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Himmat Singh, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 13.10.2018 to the effect that he has compromised the matter with the efforts of panchayat members, without any pressure or greed. The parties neither have any differences nor any case is pending between them. He has no objection in case the FIR is quashed.

Learned counsel for the petitioners states that though the complainant in the present case is working as VLDA in Government Veterinary Hospital, Kulana (Hisar), 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

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.0292 dated 08.09.2017 registered under Sections 186, 332, 353 and 506 of IPC at Police Station Sadar Hansi, District Hansi (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 04.08.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

27.11.2018
sanjeev

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