

CRM-M-36275-2018

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-36275-2018

Decided on:-November 26th, 2018.

GURJIT SINGH

.....Petitioner.

Versus

STATE OF PUNJAB AND ANR

.....Respondents.

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

Present:- Mr. Deepak Arora, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG Punjab.

Mr. G.S. Rawat, Advocate
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.80 dated 06.06.2017 registered under Sections 353/186/506 IPC, at Police Station Dhariwal, District Gurdaspur, (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 04.08.2018 (Annexure P-2).

The respondent No.2-complainant, namely, Kanwaljit Kaur W/o Jaswinder Singh a former Block Development & Panchayat Officer, had filed the complaint at Police Station Dhariwal, District Gurdaspur, stating that the petitioner-Gurjit Singh who was serving in the Government of Punjab and had retired as a Panchayat Officer, came to her office on the relevant date in an inebriated condition and used some loose words, resultant thereof the complainant-Kanwaljit Kaur-respondent No.2 suffered humiliation which led to registration of the FIR.

This Court vide order dated 23.08.2018 had directed the parties to appear before the 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 Chief Judicial Magistrate Gurdaspur, District Gurdaspur and got their statements recorded. On the basis of the statements so recorded by the parties, learned Magistrate has submitted a report dated 28.09.2018 to the effect that the compromise has been effected between the parties voluntarily, without any undue influence or without any pressure and the same is genuine.

Respondent No.2-complainant, namely, Kanwaljit Kaur W/o Jaswinder Singh former Block Development & Panchayat Officer, had made her statement with regard to compromise before learned Chief Judicial Magistrate on 24.09.2018. The same is reproduced as under:-

“Stated that the matter has been compromised between me and accused Gurjit Singh son of Shri Jarnail Singh. The compromise has been entered into out of our free will

without any pressure. There are only one accused arrayed in the present FIR. Both of the parties have put appearance before the Court. There is no other accused except for the above stated person and none of them has been declared Proclaimed Person in the present case. No other case is pending between me and the accused person.

I have no objection in case the FIR against aforementioned accused is quashed. Copy of the Identity Card of complainant is Ex.C1 and copy of compromise Ex.C2.”

Learned counsel for the petitioner states that though the complainant in the present case is a former Block Development and Panchayat Officer, Dhariwal, Tehsil and District Gurdaspur, 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 Chief Judicial Magistrate reveals that the complainant has compromised the matter with the accused and she 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 aforestated, 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.80 dated 06.06.2017 registered under Sections 353/186/506 IPC, at Police Station Dhariwal, District Gurdaspur, (Annexure P-1) and all subsequent proceedings arising therefrom are quashed on the basis of compromise dated 04.08.2018 (Annexure P-2).

November 26, 2018
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No