

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-10038-2019 (O&M)
Date of Decision:-8.7.2019

Surender @ Sunder and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Chanderhas Yadav, Advocate for the petitioners.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

Mr. Ram Pal Verma, Advocate for respondents No.2 and 3.

GURVINDER SINGH GILL, J.(Oral)

The petitioners have approached this Court seeking quashing of FIR No.78 dated 12.3.2018 registered at Police Station Salawas, District Jhajjar under Sections 186, 353 and 34 of Indian Penal Code, 1860 and all subsequent proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Reply by way of affidavit of Sh. Ranbir Singh, H.P.S., Deputy Superintendent of Police, Jhajjar, District Jhajjar has been filed by learned State counsel today in Court, which is taken on record.

The FIR was lodged at the instance of Block Development and Panchayat Officer, Salawas, wherein it has been alleged that a scuffle had taken place between Naveen Kumar, Panchayat Secretary and Surender,

Kavita, who is Panch, Gram Panchayat, Kondrawali, and Mahender, who had entered into their office.

Vide order dated 5.3.2019, the parties had been directed to appear before the Illaqa Magistrate/trial Court so as to get their statements recorded qua the factum of compromise.

Report of learned Chief Judicial Magistrate, Jhajjar has been received, wherein it has been reported that statements of Block Development and Panchayat Officer Sh. Iqbal Singh as well as of Naveen Kumar, Panchayat Secretary have been recorded, who have stated categorically to the effect that they have no objection for discharging the accused. To a similar effect are the statements of the petitioners/accused.

The learned State counsel has, however, submitted that since serious offences in the nature of Section 186 and 353 of Indian Penal Code are involved, which are in the nature of offences against State, no case for quashing of FIR is made out.

I have considered aforesaid submissions.

A perusal of the FIR specifically shows that the FIR was lodged by BDPO pursuant to a scuffle having taken place between Naveen Kumar and Surender, Kavita, who is Panch, Gram Panchayat, Kondrawali, and Mahender. There is nothing to suggest as to how and which of the official work was obstructed by the petitioners. It is not even clear as to whether the scuffle was on account of some personal grudge or was with a motive to obstruct the discharge of official duties.

In any case, since the Block Development and Panchayat Officer Sh. Iqbal Singh, who had lodged the FIR as well as Naveen Kumar,

Panchayat Secretary have categorically stated that they do not wish to pursue with the FIR and while bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the present petition is allowed and FIR No.78 dated 12.3.2018 registered at Police Station Salawas, District Jhajjar under Sections 186, 353 and 34 of Indian Penal Code, 1860 of Indian Penal Code, 1860 and all subsequent proceedings emanating therefrom are hereby quashed qua petitioners.

8.7.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether reasoned/speaking Yes / No

Whether reportable Yes / No