

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

CRM-M-29552-2018 (O&M)  
Date of Decision:- 14.3.2019

Puneet Kumar Sharma

... Petitioner

Versus

State of Punjab and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Gurminder Singh Salana, Advocate, for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

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**GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has approached this Court seeking quashing of FIR No.111, dated 1.6.2015, registered at Police Station Zirakpur, District S.A.S.Nagar (Mohali), under Sections 353 and 186 IPC, and proceedings emanating therefrom on the basis of a compromise having been effected between the parties.
2. Vide order dated 10.12.2018 the parties had been directed to appear before the Illaqa Magistrate/trial Court so as to get the statements recorded.
- 3 Report of learned Judicial Magistrate 1<sup>st</sup> Class, Dera Bassi, has been received to the effect that statements of both the parties have been recorded. The complainant has specifically stated that he has voluntarily entered into a compromise with the accused and that he has no objection if the aforesaid FIR is quashed. The learned Judicial

Magistrate 1<sup>st</sup> Class, Dera Bassi has opined that the compromise has been effected voluntarily without there being any threat or coercion.

4. Although the FIR has been lodged for offences under Sections 353 and 186 of IPC, but upon perusal of the FIR, I find that it cannot be said that the accused had manhandled the complainant so as to obstruct the complainant from discharge of his official duty. As per FIR, the complainant was deployed as a gunman with petitioner's father and when the complainant wanted to go home in order to wash his clothes as he has been continuously on duty since the last 2-3 days, the accused objected to the same while retorting that the complainant was an employee for 24 hours and that there is no occasion to go home, scuffled with the accused and tore his dress. The aforesaid facts are in the nature of wrong committed against the complainant in his private capacity and cannot be said that the complainant was obstructed in performing his duties. In any case since the matter is stated to be amicably resolved amongst the parties, the petition is accepted and FIR No.111, dated 1.6.2015, registered at Police Station Zirakpur, District S.A.S.Nagar (Mohali), under Sections 353 and 186 IPC, and all the consequent proceedings arising therefrom are hereby quashed qua the petitioner.

**March 14, 2019**

mohan/pankaj

**(GURVINDER SINGH GILL)  
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No