

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

CRM-M-44698-2017 (O&M)
Date of Decision:- 27.5.2019

Ramandeep alias Norang and others ... Petitioners

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Jasuja, Advocate, for the petitioners.

Mr. Randhir Singh Thind, DAG, Punjab assisted by
ASI Bhupinder Singh.

Mr. Kapil Khanna, Advocate, for respondent No.2.

GURVINDER SINGH GILL, J. (Oral)

1. The present petition has been filed for quashing of FIR No.80, dated 17.7.2016, registered at Police Station Bahawwala, District Fazilka, under Sections 341, 353, 186, 332, 148, 149, 506 IPC, and proceedings emanating therefrom on the basis of a compromise having been effected between the parties.
2. Although, offences alleged to have been committed by the petitioners include offences under Sections 353 and 186 IPC, but a perusal of the FIR would indicate that the alleged injuries caused to the

complainant and his colleague Sunil Dutt cannot strictly be said to have been caused so as to obstruct them in performing of their official duties. In fact occurrence had taken place after 5 pm, when the complainant and injured were returning back after checking Dharampura Exchange. There is no such allegation that complainant was stopped from performing official duties. In these circumstances, this Court is of the opinion that the alleged offences were committed in personal capacity and not for the purpose of obstructing the complainant and injured for discharge of their official duties, so as to attract an offence under Section 186 IPC or 353 IPC.

3. Pursuant to directions issued on 23.5.2018, the parties appeared before the trial Court and got their statements recorded qua the factum of compromise.
4. Report of learned Judicial Magistrate 1st Class, Abohar, has been received wherein it has been reported that statement of complainant Hans Raj, injured Sunil Dutt as well as of petitioners/accused Ramandeep @ Norang and Rajesh Kumar, have been recorded to the effect that they have entered into a compromise with the intervention of respectables. The main accused namely Ajay Kumar is stated to have already expired. The complainant and injured have specifically stated that the matter has been compromised with the petitioners and they have no objection in the case the FIR is quashed. Learned Judicial Magistrate 1st Class, Abohar, opined that the parties have entered into compromise with their own free will and without any pressure or undue influence.

5. In view of the aforesaid report and 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 petition is allowed and FIR No.80, dated 17.7.2016, registered at Police Station Bahavwala, District Fazilka, under Sections 341, 353, 186, 332, 148, 149, 506 IPC, and all the consequent proceedings arising therefrom are hereby quashed qua the petitioners.

May 27, 2019

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No