

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

279

CRM-M-30575-2019

Date of Decision:31.10.2019

Kishan Chand

.....Petitioner

Versus

The State of Punjab and another

.....Respondents

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

Present: None for the petitioner.

Ms. Jasleen Kaur Sidhu, AAG, Punjab.

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 FIR No.0040 dated 30.05.2019 under Sections 186, 353, 506, 354, 511, 354-A, 508 IPC, registered at Police Station Sadar Rajpura, District Patiala(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise(Annexure P-2).

This Court vide order dated 19.07.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned trial court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate 1st Class, Rajpura and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 04.10.2019 to the effect that the parties have arrived

at compromise with their free volition, without any inducement, threat, promise, coercion or undue influence from any quarter.

Though no one is present on behalf of respondent No.2-complainant-Rekha in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 22.08.2019. The same is reproduced as under:-

“I have come present as directed by Hon'ble Punjab and Haryana High Court vide order dated 19.07.2019 in CRM-M No.30575 of 2019 to get my statement recorded in FIR no.40 dated 30.5.2019, under section 186/354/353/354-A/506/509/511 of IPC, PS Kheri Ghandian.

A FIR No.40 dated 30.5.2019, under section 186/354/353/354-A/506/509/511 of IPC, PS Kheri Ghandian, Tehsil Rajpura, District Patiala was registered on my complaint against Krishan Chand son of Som Chand r/os village Nalas Khurd.

With the intervention of respectable of locality and family members, I have compromised my dispute with the accused Krishan Chand son of Som Chand r/o village Nalas Khurd. A separate compromise deed dated 26.6.2019 executed between me and accused already tendered in the Hon'ble High Court. Copy of which filed today which is Ex.CX on which I identify my signature. I am making this statement voluntarily without any pressure. I have no objection if the FIR be quashed.

Apart from this case, no other case is pending between us., ”

Learned counsel for the petitioner states that though the complainant in the present case is working as a teacher with the Govt. Elementary School at village Nalas Khurd, 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.

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. 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 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 FIR No.0040 dated 30.05.2019 under Sections 186, 353, 506, 354, 511, 354-A, 508 IPC, registered at Police Station Sadar Rajpura, District Patiala(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise (Annexure P-2), subject to payment of costs of ₹5,000/- to be paid by the petitioner, within a period of one month from today with the **Rajindra Medical College, Patiala** and the said amount would be spent for the treatment of poor patients within the knowledge of its Medical Superintendent.

October 31, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No