

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

119

CRM-M-5353-2019

Date of Decision: 09.09.2021

Gurpreet Singh alias Gopi

.....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Prabhdeep Singh, Advocate, for the petitioner.

Mr. H.S.Multani, DAG, Punjab.

Mr. N.S.Nehal, Advocate,
for the complainant.

Amol Rattan Singh, J. (Oral)

By this petition, the petitioner seeks quashing of FIR No.179, dated 16.11.2018, registered at Police Station Sadar, Sri Muktsar Sahib, alleging therein the commission of offences punishable under Sections 186/353/355 the IPC, as also all other subsequent proceedings arising therefrom, on the basis of a compromise (copy Annexure P-2), arrived at between the petitioners and respondents no.2 and 3.

Pursuant to the order of this court dated 27.02.2020, the report of the learned Additional Chief Judicial Magistrate, Sri Muktsar Sahib, dated 27.05.2020, is on record, wherein it recorded that respondent no.2, i.e. the victim, Jagsir Singh, appeared before that court and made a statement that the matter has been compromised between him and the petitioner on the intervention of respectables of the area and that the compromise was voluntary.

The statement of the petitioner was also recorded to the same effect on the same date (i.e.13.03.2020), after which the statement of respondent no.3, i.e. the SDO, Punjab State Power Corporation, Sub Division Fattanwala, who had made the complaint leading to the registration of the FIR, was recorded on 27.05.2020, with him having stated that the petitioner had misbehaved with respondent no.2 who was posted as an Assistant Lineman, while he was discharging his official duty, and that the SDO had accordingly sent an e-mail communication to the police station concerned for registration of the FIR and that he had now, however, come to know that respondent no.2 had compromised the matter of his own with the petitioner.

As per the assessment of the learned Addl. CJM, the compromise arrived at was of the free will of the parties.

It is seen that a reply to the petition has also been filed on behalf of respondent no.3, by the Assistant Engineer, (OP), S/D P.S.P.C.L., Fattan Wala, in which, other than essentially giving the facts as contained in the FIR, it has been stated that respondent no.3 has been unnecessarily impleaded in the petition simply because he is the SDO.

It is stated in reply to paragraphs 8 to 10 that the said respondent has no concern whatsoever with the alleged compromise reached between the petitioner and respondent no.2.

That being so, with obviously a gazetted officer of the respondent corporation also not having any objection to the compromise reached between the parties, in my opinion the matter needs to be put an end to with the directly affected person, i.e. respondent no.2, having entered into a compromise voluntarily.

Therefore, looking at the nature of the offences allegedly committed, even though one is in the context of an offence punishable under the provisions of Section 186 of the IPC, the present petition is allowed and FIR No.179, dated 16.11.2018, registered at Police Station Sadar, Sri Muktsar Sahib, alleging therein the commission of offences punishable under Sections 186/353/355 the IPC, along with all proceedings emanating therefrom, is hereby quashed.

September 09, 2021

dharamvir//

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : YES