

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-1772 of 2021 (O&M)

Date of decision : 9.4.2021

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Davinder Kathuria @ Dawinder Kumar

.....Petitioner

vs.

State of Punjab and another

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: None for the petitioner.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

There was no representation on behalf of the petitioner on the last date of hearing, as well as on the date previous to that. As a matter of fact, after filing of the present petition, nobody has appeared for the petitioner in the Court till date. In the last order, while noting so, it was mentioned that if nobody appears for the petitioner on the adjourned date, then the petition would be disposed of after going through its contents.

By way of filing the present petition, petitioner Davinder Kathuria @ Dawinder Kumar s/o Dharampal, resident of Kot Ise Khan Road, Near Zira Gas Service, Zira, District Ferozepur, an accused in FIR No. 35 dated 12.4.2019 for offences under Sections 353, 186, 499, 500, 506 IPC, registered at Police Station City Zira,

District Ferozepur, seeks quashing of the FIR qua him on the basis of compromise dated 19.2.2020.

The petition cannot be accepted, firstly for the reason that besides the petitioner, there are other accused in the case. Partial quashing of the FIR is not permissible. Secondly, there are serious allegations against the petitioner with regard to assault upon a public servant and obstructing him from discharging his official duties. In judgment reported as *Kulwinder Singh and others vs. State of Punjab and others, 2007 (3) PLR (Criminal) 439*, by a five Judges Bench of this Court, it has been observed that compounding of offences against public servant may not be permitted. On that score also, quashing of FIR on the basis of compromise cannot be accepted.

The petition is doomed for failure and is dismissed accordingly.

9.4.2021
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No