

**CRM-M-49560-2019 (O&M)
Date of Decision: 11.01.2021**

Rajbir Singh and another

.....Petitioners

Vs.

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Amit Kohar, Advocate,
for the petitioners.

Mr. Gurbir Singh Dhillon, A.A.G., Haryana.

Mr. Parteek Pandit, Advocate,
for respondent no. 2-complainant.

AMOL RATTAN SINGH, J. (ORAL)

Case heard by video conferencing.

By this petition, the petitioners seek quashing, on the basis of a compromise arrived at between the petitioners and respondent no. 2, of FIR no. 332 dated 26.12.2018, registered at Police Station Parao Ambala, District Ambala, for the alleged commission of offences punishable under Sections 186/34/353/506 of the IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, as also all other subsequent proceedings arising therefrom . A copy of the compromise deed has been annexed as Annexure P-2 with the petition.

Pursuant to the order dated 17.09.2020, a report of the learned Judicial Magistrate First Class, Ambala, dated 16.10.2020, has been received, stating there that the complainant in the FIR (Parvez Khokhar, respondent no. 2), as also the petitioners, appeared before that court to record their statements on 08.10.2020, with the complainant having made a statement

admitting to the compromise; and as per the assessment of that court, the compromise has been entered into of the free will of the parties without any pressure or coercion.

In the reply filed by the Superintendent of Police, Ambala, after giving the details of the delay in investigation etc., it is stated in paragraph 16 that the matter has been settled between the parties and that the petitioners are not involved in any other criminal case.

Thereafter, however, it is stated that as per the judgment of the Supreme Court in **State of Madhya Pradesh vs. Laxmi Narayan and others** 2019 (2) RCR (Criminal) 255, offences that have a serious impact on the society cannot be quashed under the provisions of Section 482 of the Cr.P.C. and therefore the FIR in question should not be quashed.

Learned counsel for respondent no. 2 (complainant), however submits that the matter has been wholly voluntarily compromised between the parties and that the complainant does not wish to pursue the criminal proceedings and consequently, the petition may be allowed.

That being so, even though one of the offences alleged to have been committed is under the provisions of Section 186 of the IPC, to the effect that a public servant was obstructed in the discharge of his public functions and even an offence punishable under Section 353 of the IPC is alleged to have been committed, counsel for the parties are all *ad idem* that no actual assault was made on the person of the public servant, i.e. the complainant.

Consequently, I would see no reason to continue with the criminal proceedings in the entire circumstances of the case, subject to the petitioners paying a sum of Rs. 30,000/- to the District Legal Services Authority, Ambala,

looking at the nature of the allegations made, even to the extent that petitioner no. 1 threatened to take out his pistol/revolver, simply because the complainant had (allegedly) compelled petitioner no. 2, i.e. the wife of petitioner no. 1, to appear before this court in some case (as she may otherwise have been bound to), resulting in the petitioners not being able to go to Vaishno Devi.

Thus, upon Rs. 30,000/- being paid within one month of today, the petition will be treated to have been allowed and FIR No. 332 dated 26.12.2018, registered at Police Station Parao Ambala, District Ambala, for the alleged commission of offences punishable under Sections 186/34/353/506 of the IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, as also all other subsequent proceedings arising therefrom, would consequently stand quashed.

In the meanwhile, till such payment is made (within a period of one month), further proceedings in the FIR shall remain stayed.

If the payment is not made, a report be put up to this court immediately thereafter, within one week of 11.02.2021.

January 11, 2021

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Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)

JUDGE

Yes
No