

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

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CRM-M-8034-2022 (O&M)

Date of Decision: 22.11.2022

MANDEEP SINGH AND ORS

... Petitioners

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Munish Gupta, Advocate
for the petitioners.

Mr. Pankaj Khullar, AAG Punjab.

Mr. Gaurav Sharma, Advocate
for respondent No.2.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioners seek quashing of FIR No.55 dated 25.05.2018, registered under Sections 325 (deleted), 34 and 324 IPC (added later on) and Section 146 of Railway Act, 1989, at Police Station GRP Sirhind, District Government Rly Police, along with all the consequential proceedings arising therefrom, on the basis of compromise dated 02.09.2019 (Annexure P-2).

In support of his contentions, the learned counsel for the petitioners relies upon the judgment/order passed by a Division Bench of this Court in Vinod @ Boda and others vs State of Haryana and another, 2017 (1) RCR (Criminal) 571 and a Coordinate Bench in CRM-M-5770-2013 titled Jaswant Singh vs State of Punjab and another, decided on 22.04.2013.

Reply by way of an affidavit dated 21.06.2022 of the Deputy Superintendent of Police, GRP Sirhind, District Fatehgarh Sahib, filed on behalf of the respondent-State, in the Registry, is taken on record.

At this stage, learned State counsel on the instructions from the concerned Investigating Officer submits that the FIR in question was registered by the complainant being a public servant and during the time when he was on his official duty and thus, the FIR cannot be quashed on the basis of the compromise without prior approval of the Secretary of the concerned Government Department.

In support of his contentions, the learned State counsel relies upon the judgment dated 23.12.2015 passed by a Coordinate Bench of this Court in CRM-M-37551 of 2015 titled as Amrik Singh and others vs State of Punjab and another.

I have heard the learned counsel for the parties.

A Coordinate Bench of this Court in Amrik Singh's case (supra) has held as under:-

In my considered view, FIR in question cannot be quashed on the basis of compromise. Nature of allegations show that petitioners assaulted the complainant, who was posted as Head Constable in the police station itself and had torn his uniform when he was conducting investigation on the direction of the Station House Officer pursuant to a complaint lodged against them. They also threatened to kill the investigating officer as well as complainant. Instant dispute is not personal in nature. Petitioners committed an offence against the State. There can be no question of compromise between accused and officials of the State. For this reason, FIR was lodged by the Head Constable

and the investigating agency registered a case. It is inexplicable how Head Constable entered into a compromise on behalf of the State. There is nothing on record to show that he was authorised by the police department to enter into a compromise with the petitioners. Even otherwise, such a compromise would be of no avail in view of nature of allegations. The Head Constable while making complaint to the police was merely acting on behalf of the police department. He would, thus, have no authority to enter into compromise with the accused thereafter. In my considered view after public servant lodges an FIR regarding the assault raised upon him while he was performing his official duty, he loses the locus standi to enter into compromise with the accused. Judgment in Kulwinder Singh's case (supra) is not attracted to cases of this nature. Under the circumstances, there is no ground for quashing of FIR. The petition is hereby dismissed.

There is no counter on behalf of the learned counsel for the petitioners with regard to the aforesaid factual position.

In view of the above and the law laid down by a Coordinate Bench of this Court, FIR in question cannot be quashed on the basis of the compromise.

Dismissed.

22.11.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No