

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(252)

CRM-M-32273-2019
Date of Decision:- 05.07.2022

Shingara Singh and others

...Petitioners

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. S.C.Sabharwal, Advocate for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab
for State-respondent No.1.

Mr. Pritpal Singh Miglani, Advocate
for complainant-respondent No.2 and victim-respondent No.3.

SUVIR SEHGAL, J. (Oral)

On 04.02.2022, this Court passed the following order in the main case:-

“Instant petition has been filed under Section 482 Cr.P.C seeking quashing of FIR No.0007 dated 15.01.2019 registered under Sections 354, 353, 186, 506, 427, 34 of Indian Penal Code, 1860 at Police Station Cantt. Ferozepur, District Ferozepur (Annexure P-1) and all subsequent proceedings arising therefrom, on basis of compromise dated 12.07.2019 (Annexure P-2).

By referring to FIR (Annexure P-1), counsel for the petitioners submits that the allegations have been levelled against the petitioners for misbehaving with the staff of Sewa Kendar, office of Deputy Commissioner, Ferozepur and the complaint has been lodged by Yashpal Sharma, respondent No.2, who was posted there. He submits that Section 354 IPC has been added as one of the victim-staff member was a female employee. Counsel submits that the dispute is entirely personal in nature and has been settled by virtue of compromise (Annexure P-2).

By referring to para 3 of affidavit of petitioner No.2, counsel submits that the petitioners have not been declared as Proclaimed Offender.

Notice of motion.

On asking of the Court, Mr. Prabhjot Singh Walia, Assistant Advocate General, Punjab accepts notice on behalf of respondent No.1-State.

Upon instructions from ASI Gurmail Singh, State counsel submits that staff members named in the FIR were working on contractual basis and were not Government employees. Still further, he submits that matter is under investigation and besides the present petitioners, Sahib Singh has also been named as an accused, who is not before this Court.

Mr. Pritpal Singh, Advocate appears on behalf of respondent No.2-complainant and respondent No.3-victim. He has admitted the factum of compromise.

The parties and Investigating Officer are directed to appear before the Trial Court/Illaq Magistrate on 05.04.2022 or on any day thereafter, as ordered by the Magistrate for getting their statements recorded with regard to the compromise. The Trial Court/Illaq Magistrate shall submit the report specifying the following:-

- 1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. whether any other criminal case is pending against the accused.*

Report of Trial Court/Illaq Magistrate be awaited for 05.07.2022.”

Report has been received from the Trial Court in compliance of the above reproduced order and its relevant extract is as under:-

“1. In the present case, as per statement of ASI Balwinder Singh, I.O. and statement of complainant/respondent No.2 Yashpal Sharma and Victim/respondent No.3 Anjana and as per FIR, four

accused namely Shingara Singh son of Ajaib Singh, Jagtar Singh son of Shingara Singh, Arshdeep Singh son of Jagtar Singh and Sahib Singh son of Shingara Singh were arraigned in FIR. Above Sahib Singh son of Shingara Singh is stated to have been declared innocent in present case. Accused Shingara Singh son of Ajaib Singh, Jagtar Singh son of Shingara Singh and Arshdeep Singh son of Jagtar Singh have appeared before the Court and suffered their statement regarding compromise. As per statement of ASI Balwinder Singh, I.O of this case, none of the accused is absconding/proclaimed offender in the present case.

2. Yashpal Sharma son of Kanwarjit Sharma is complainant in the present case and Anjana daughter of Mohan Lal is aggrieved in this case. As per statement of ASI Balwinder Singh and statement of complainant/respondent No.2 Yashpal Sharma and victim/respondent No.3 Anjana, there is no other complainant and injured/aggrieved, other than Yashpal Sharma son of Kanwarjit Sharma and Anjana. Both of them have appeared before the Court and suffered their statements regarding compromise.

3. In the present case, as per statement of ASI Balwinder Singh, above named accused have been arrested and investigation is pending. Final report has not been submitted.

4. As per above statements of parties, compromise has been effected between petitioners and respondents No.2 and 3. This compromise is acceptable to both the respective parties. Therefore, this compromise is genuine and is without any pressure or coercion and volunteer (sic is voluntary).

5. As per statement of ASI Balwinder Singh, IO, no other criminal case is pending against above accused Shingara Singh son of Ajaib Singh, Jagtar Singh son of Shingara Singh and Arshdeep Singh son of Jagtar Singh.”

It is evident from the statement of the State counsel as noticed in the above reproduced order dated 04.02.2022 that the complainant was working on contractual basis. The dispute between the parties is essentially a private one, which has been amicably settled. Considering these facts and circumstances, this Court has reached at the conclusion that offence under Section 186, IPC is not made out and the submission made by the State

counsel that complainant is required to seek prior permission from the government to enter into a settlement, is rejected.

Keeping in view the nature of allegations, report of the Trial Court as well as the judgments of the Supreme Court in *Narinder Singh Versus State of Punjab (2014) 6 SCC 466* and *Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujrat and another (2017) 9 SCC 641*, this Court is of the opinion that continuation of the penal proceedings will be an empty formality and a futile exercise.

Accordingly, the petition is allowed. FIR No.0007 dated 15.01.2019, registered for offences under Sections 354, 353, 186, 506, 427 and 34 of Indian Penal Code, 1860 at Police Station Cantt. Ferozepur, District Ferozepur, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

05.07.2022
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No