

CRM-M-43743 of 2021

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

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**CRM-M-43743 of 2021
Date of decision:06.04.2022**

Naresh Kumar

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Pawan Kumar Hooda, Advocate
for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

Ms. Ishita Jain, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 Cr.P.C seeking quashing of FIR No.1047 dated 14.12.2019 registered under Sections 268, 354, 506, 452 of Indian Penal Code, 1860 and Section 68 of the Punjab Excise Act, 1914 (as applicable to the State of Haryana) at Police Station Model Town, Panipat, District Panipat (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise deed dated 01.10.2021 (Annexure P-2).

FIR (Annexure P-1) has been registered on the statement of Niveditha, Deputy Conservator of Forest, Panipat on the allegation that Naresh Kumar, (present petitioner), who was posted as Forest Guard came to her residential premises in an inebriated condition at about 9.15 p.m.,

started creating nuisance and used abusive and filthy language. She requested that necessary action be taken against him.

Petitioner has approached this Court seeking quashing on the ground that a compromise has been effected between the accused-petitioner and the complainant. This Court, vide order dated 09.12.2021 directed the parties to appear before the Duty Magistrate concerned and to get their statements recorded with regard to authenticity of the compromise and a report was called for from the Trial Court regarding the genuineness of the compromise and antecedents of the petitioner. Report has been received and its relevant extract is as under:-

“1. As per the statement of I.O/ASI Seema Devi, there is only one complainant namely Niveditha Bojarajan and only one person i.e. accused namely Naresh son of Lal Chand was arrayed as accused in the present FIR and except him there is no other accused in the present FIR and that except present FIR, no other FIR is lodged against him.

2. As per the statement of I.O/ASI Seema Devi, no accused is Proclaimed Offender/person in the present FIR.

3. Yes, the compromise arrived at between the parties is genuine, voluntary and without any coercion or undue influence.”

A question arises as to whether FIR lodged by the complainant, who is a public servant can be quashed on the basis of a compromise. A Division Bench of this Court in **Vinod @ Boda and others**

Vs. State of Haryana and another 2017(1) RCR (Criminal) 571 after extensively discussing the case law on the subject has held as under:-

“14. The doubt has been expressed by the learned Single Judge whether in exercise of inherent power under [Section 482 Cr.P.C.](#) criminal proceedings on the basis of compromise entered between the parties where the offence is against the public servant can be quashed or not by the High Court is the issue before us.

15. The magnitude of inherent jurisdiction exercisable by the High Court with a view to prevent the abuse of law or to secure the ends of justice, is wide enough to include its power to quash the proceedings in relation to the non-compoundable offences including the ones involved in the present case notwithstanding the bar under [Section 320 Cr.P.C.](#) Such a power, in our considered view, is exercisable by the High Court in all those circumstances where the conclusion of trial would ultimately result into futility.

16. In the present case, merely because the complainant was working as a teacher and injuries were caused to him while he was on duty at School, learned Single Judge has treated it to be a case of an offence against the 'society' observing that public servant has been prohibited from performing his duties, the proceedings cannot be quashed. Whereas, in the facts and circumstances of the case, the dispute

was prima facie between the parties in their individual and private capacity. Therefore, even on merit, the present is a fit case where the ends of justice demand quashing of proceedings as the dispute has been settled amicably and this would bring harmony between the parties.

17. Moreover, in this case, the parties have already appeared before the Trial Court and the Trial Court has authenticated the compromise on the basis of the statements of the parties made before it.

18. For the reasons stated above, it is held that in view of settled law, as discussed above, the powers of High Court under [Section 482](#) Cr.P.C are wide enough, though to be exercised sparingly and judiciously, and this Court can quash criminal proceedings in the peculiar facts of the case even where offence is against public servant.”

FIR (Annexure P-1) has been registered by a senior official of forest department on the allegation that the accused, who is also a Government employee, entered her premises during off duty hours in an inebriated state and misbehaved with her. The nature of the accusation shows that there is no allegation of any interference in the discharge of official duties by the complainant. The dispute *per se* is private in nature and has been settled by virtue of a compromise, the genuineness of which has been verified. This Court is, therefore, of the view that keeping the criminal proceedings pending would be a futile exercise.

Consequently, petition is allowed. FIR No.1047 dated 14.12.2019 registered under Sections 268, 354, 506, 452 of Indian Penal Code, 1860 and Section 68 of the Punjab Excise Act, 1914 (as applicable to the State of Haryana) at Police Station Model Town, Panipat, District Panipat (Annexure P-1) and all consequential proceedings arising therefrom, are quashed qua the petitioner.

April 06, 2022

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes