

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

(255)

CRM-M-12801-2022
Date of Decision: 21.02.2023

Mohinder Lal Kalra

...Petitioner

Versus

State of UT, Chandigarh and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Dhruv Gupta, Advocate, for the petitioner.

Mr. Ankur Bali, Addl. A.P.P., Chandigarh.

Mr. P. P. Rana, for the complainant/respondent No.2.

HARKESH MANUJA, J.(ORAL)

By way of present petition filed under Section 482 Cr.P.C., petitioners pray for quashing of FIR No.314 dated 24.12.2021, registered under Sections 332 and 353 IPC at Police Station Section 39, Chandigarh (Annexure P-1) along with all consequential proceedings arising out of the same on the basis of compromise dated 12.03.2022 (Annexure P-3).

2. The allegations levelled against the petitioner are that petitioner publically humiliated the complainant and stopped him from doing his government duties followed by physical altercation, resulting into registration of FIR in question.

3. In pursuance to an order dated 28.03.2022 passed by this Court, whereby the parties were directed to appear before the trial Court for getting their statements recorded as regards, the veracity of compromise arrived at between them, report dated 18.05.2022 has been received from the concerned court, stating that the compromise in the present case is valid, genuine,

voluntary and without any coercion or under influence. There is no other accused except the present petitioner and there is sole complainant namely Jagdeep Singh. No accused has been declared as proclaimed offender. The stage of trial was fixed for evidence of prosecution.

4. Learned counsel for the petitioner submits that once, the compromise has been arrived at between the parties without any pressure and respondent No.2 has no objection as regards quashing of FIR as well as other subsequent proceedings arising out of the same against the petitioner, the dispute being purely personal in nature, there does not appear to be any impediment as regards quashing of present FIR. He further submits that in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the FIR on the basis of compromise entered into between the parties.

5. On the other hand learned State counsel submits that petitioner publically humiliated the complainant and stopped him from doing his government duties followed by physical altercation.

6. Having heard learned counsel for the parties, they having settled their dispute so as to live peacefully in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the trial Court to invest further time and effort in adjudicating this FIR. The compromise in question is found to be fully in consonance with the direction issued by the Court in *Kulwinder Singh & Ors. Vs. State of Punjab* 2007(3) RCR (Criminal) 1052 and *Gian Singh Vs. State of Punjab & Anr.*, 2012(4) RCR (Crl.) 543. Learned counsel for the

@ Boda and others Vs. State of Haryana and another, passed in CRM-M-31765 of 2012 on 01.05.2023. The relevant portion thereof is reproduced hereunder for reference:

“.....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.....”

7. Thus in view of the aforesaid report, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgment, FIR No.314 dated 24.12.2021, registered under Sections 332 and 353 IPC at Police Station Section 39, Chandigarh (Annexure P-1) as well as all the subsequent proceedings arising therefrom are hereby quashed.

8. The aforesaid order shall however, be subject to payment costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Association Lawyer’s Family Welfare Fund having Account No.41564846387 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from today.

Petition stands disposed of

(HARKESH MANUJA)
JUDGE

21.02.2023
anil

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