

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(272)

CRM-M-38883-2021

Date of Decision :-12.07.2023

Mejar Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. P.K. Garg, Advocate for the petitioners.

Mr. Jaswinder Singh Arora, Deputy Advocate General,
Punjab.

Mr. Ritesh Panday, Advocate for respondent No. 2.

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Harsimran Singh Sethi, J. (Oral)

1. Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No. 27 dated 24.05.2021, registered under Sections 353, 186, 506, 149 IPC at Police Station Dharamgarh, District Sangrur and all other subsequent proceedings arising therefrom, on the basis of the compromise dated 17.08.2021 (Annexure P-2), which has been entered into between the parties.

2. On 25.04.2023, a Coordinate Bench of this Court had passed the following order:-

“In pursuance to the order dated 26.08.2022, a short status report dated 18.01.2023 has been filed on behalf of respondent No.1 under the signature of DSP, Sub Division Dirba, wherein, the factum of compromise between the parties with the concurrence of higher police

officials has been verified.

Adjourned to 12.07.2023.

Meanwhile, the parties are directed to appear before the Illaqa Magistrate/trial Court on 18.05.2023 or any other date convenient to the Court, which, shall record their statements and send a report to this Court as to whether the compromise is genuine, without any pressure or undue influence and also whether any accused was declared as proclaimed offender, by the next date of hearing.”

3. A report dated 08.06.2023 appended as (Annexure-B) has come from Judicial Magistrate Ist Class, Sunam addressed to the Registrar General of this Court along with the statements of the accused-petitioners as well as the complainant, which have been recorded. As per the said report, the compromise between the parties is genuine, voluntary and without any coercion or undue influence and none of the accused has been declared as proclaimed offender and no other criminal proceedings are pending against them. The relevant portion of the report is as under:-

“(1) On the basis of statements given by parties and investigating officer, it is hereby submitted that the compromise effected between complainant Rajinder Singh and accused Mejar Singh, Buta Singh, Hardeep Singh, Harpreet Singh, Manpreet Singh, is genuine, the same has been effected voluntarily, out of free will of the parties and without any pressure, coercion or undue influence from any quarter.

(2) None of the accused has been declared proclaimed offender in present case.”

4. As per the report of the trial Court, the parties have already entered into compromise so as to live peacefully hence, no useful purpose will be served in keeping the FIR alive.

5. Learned State counsel has also not raised any objection in respect of the prayer of the parties for quashing the FIR on the basis of the compromise dated 17.08.2021 (Annexure P-2), except that Section 353 of IPC has been invoked in the FIR in question. The said objection of the learned State counsel that once Section 353 IPC has been invoked in the FIR, the same cannot be quashed on the basis of the compromise, cannot be accepted keeping in view the judgment of the Division Bench of this Court in CRM No. M-31765 of 2012 titled as ***Vinod @ Boda and others Vs. State of Haryana and another***, decided on 01.05.2013, wherein, after considering the law on the aspect, the Division Bench held that where there is an offence against the public servant, the same can also be quashed, though the said power is to be exercised sparingly and judiciously. Keeping in view the facts and circumstances of the present case, there is no embargo in exercising the jurisdiction for quashing the present FIR.

6. Keeping in view the totality of the circumstances, which have been mentioned hereinbefore as the parties have already entered into compromise to settle their dispute so as to live peacefully and none of the accused is a proclaimed offender and there are no other criminal cases against the accused-petitioners, this Court is inclined to accept the prayer of the petitioners for quashing the FIR on the basis of the compromise.

7. Thus, FIR No. 27 dated 24.05.2021, registered under Sections 353, 186, 506, 149 IPC at Police Station Dharamgarh, District Sangrur and all other subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise entered into between the parties.

This order, quashing of the FIR, will be subject to the payment of Rs.10,000/- as cost to be deposited with the Institute for the Blinds, Sector

26, near Homeopathic Medical College and Hospital, Chandigarh, by the petitioners.

July 12, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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