

2024:PHHC:168574



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CRM-M-44674-2024
Date of Decision: 09.09.2024

SURINDER SINGH

.....PETITIONER

V/s

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Himanshu Sharma, Advocate
for the petitioner

Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J

1. Jurisdiction of this court has been invoked under Section 528 of the Bhartiya Nagrik Suraksha Sanhita, 2023, praying for quashing of impugned FIR No.431 dated 02.08.2024, (Annexure P-1) under Sections 121(1), 127(2), 132 and 221 of the Bhartiya Nyaya Sanhita, 2023, registered at Police Station Kharkhoda, District Sonapat, as the parties have compromised the matter and complainant does not want to pursue the matter.
2. It is contended by the learned counsel for the petitioners that the complainant has compromised the matter with the present petitioners and does not want to pursue the present FIR and has sworn an affidavit with his free will in

support of compromise entered into by him with the present petitioners. (Annexure P-2). As such, the present FIR, is liable to be quashed on the basis of compromise arrived at between the parties in terms of the decision laid down by this Hon'ble Court in 5 Judge Bench judgment in the case of ***"Kulwinder Singh and others Versus State of Punjab and another"*** reported as 2007(3) RCR (Criminal) 1052.

3. Notice of motion.

4. On the asking of the Court, Mr.Chetan Sharma, Deputy Advocate General, Haryana, who is present in Court accepts notice on behalf of the State of Haryana and submits that as State is not party to the compromise, he cannot say anything on the veracity of the compromise and even otherwise the complainant, who is Assistant Technology Manager with the Agriculture Department, was on official duty at that relevant time on the date of occurrence as such the offence has been committed by the petitioners against the State and not to an individual person. Hence, the present petition cannot be allowed on the basis of Compromise because no compromise can be affected with the State.

5. Heard. Case file also perused.

6. Section 482 Cr.P.C is not an instrument handed over to an accused to short-circuit a prosecution and bring about its sudden death. The inherent power should not be exercised to stifle a legitimate prosecution. High Court being the highest Court of a State should normally refrain from giving a prima facie decision in a case where the entire facts are incomplete and hazy, more so when the evidence has not been collected and produced before the Court and the issues involved, whether factual or legal, are of magnitude and cannot be seen in their true perspective without sufficient material. 7

7. The complaint/F.I.R. has to be read as a whole. If it appears that on consideration of the allegations in the light of the statement made on oath of the complainant or disclosed in the F.I.R. that the ingredients of the offence or offences are disclosed and there is no material to show that the complaint/F.I.R. is mala fide, frivolous or vexatious, in that event there would be no justification for interference by the High Court.

8. After perusal of the FIR, it can be seen that belongings of the complainant – Deepak were also snatched by the petitioners besides giving him beatings and the complainant was confined in the shed illegally and forcibly for 3 hours. Thus, any offence committed under the above referred Sections against a Government Officer/official on official duty will amount to commission of offence against the State and in this manner, the guilty cannot compromise the matter with a State, i.e., the Local Government.

9. Consequently, this Court does not find any reason to allow the present petition which is not maintainable for the reasons mentioned hereinabove and according, the present petition fails and is hereby dismissed for want of its maintainability.

09.09.2024
Meenu

(SANDEEP MOUDGIL)
JUDGE

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