

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-24827 of 2014

.....

Date of decision:29.1.2015

Damanpreet Singh

.....Petitioner

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Sandeep Jasuja, Advocate for the petitioner.

Mr. Amarinder Singh Klar, Assistant Advocate General,
Punjab for the respondent-State.

Mr. Kapil Khanna, Advocate for complainant-respondent
No.2.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.40 dated 13.3.2014 (Annexure-P.1) registered for the offences under Sections 279, 337 and 427 IPC at Police Station City-1, Abohar and all subsequent proceedings arising therefrom in view of the compromise dated 6.5.2014 (Annexure-P2).

The FIR has been registered on the statement of complainant-Lovedeep Sharma on the allegations that when he was going on a cycle, the car of the petitioner struck with it. Due to the said accident,

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respondent No.2 received injuries for which he had to take treatment from hospital. Now with intervention of respectable persons and common friends, the matter has been amicably compromised between the parties and respondent No.2 has stated that he will not pursue the case further.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before learned trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Sub Divisional Judicial Magistrate, Abohar has sent his report dated 16.1.2015 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one. Complainant Lovedeep Sharma has stated that he has compromised the matter with the accused-petitioner with his free will, without any pressure or coercion and undue influence and he has no objection if the FIR is quashed.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for the complainant-respondent No.2 admit the factum of compromise and submit that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR in view of the law laid down by the Hon'ble Supreme Court.

I have heard learned counsel for the petitioner as well as learned Assistant Advocate General, Punjab and learned counsel for the complainant-respondent No.2 and have gone through the record.

In a decision, based on compromise, none of the parties is a

loser. Rather, compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

Therefore, keeping in view the fact that the matter has been amicably settled and the law laid down by the Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, wherein it has been held that the inherent jurisdiction of this Court under Section 482 Cr.P.C. can be exercised to quash the proceedings in respect of criminal cases arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personnel in nature and the parties have resolved their entire dispute even though they are not compoundable, this petition is allowed and FIR No.40 dated 13.3.2014 (Annexure-P.1) registered for the offences under Sections 279, 337 and 427 IPC at Police Station City-1, Abohar and all subsequent proceedings arising out of the same are hereby quashed.

January 29, 2015.

(Inderjit Singh)
Judge

hsp