

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-38351 of 2014

.....

Date of decision:28.1.2015

Gurnam Singh

.....Petitioner

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. N.S. Dadwal, Advocate for the petitioner.

Mr. S.S. Chandumajra, Deputy Advocate General, Punjab for
the respondent-State.

None 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.84 dated 24.5.2009 (Annexure-P.1)
registered for the offences under Sections 279, 337, 338 and 427 IPC at
Police Station Phillaur, District Jalandhar and all subsequent proceedings
arising therefrom in view of the compromise dated 12.8.2014 (Annexure-
P.2).

The FIR has been registered on the statement of complainant-
Karnel alias Karnail Singh on the allegations that the accused-petitioner

who was coming in his vehicle, due to the headlights of vehicle coming from opposite side hit his eyes and his vehicle got imbalanced and struck with Tempo Tarex standing on the road as a result of which respondent No.2 Karnail Singh received injuries. Now with intervention of respectable persons, the matter has been amicably compromised between the parties and respondent No.2 has given an undertaking 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, Phillaur has sent her report dated 20.1.2015 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 Karnail Singh has stated that he has compromised the matter with accused-petitioner with his free will, without any pressure or coercion and undue influence and he has received full and final amount from the petitioner as claim granted by the learned MACT, Kapurthala vide order dated 22.11.2010. Now nothing is due against Gurnam Singh and he has no objection if the criminal proceedings in the present case against accused Gurnam Singh are dropped and he has no objection if the FIR is quashed.

Learned Deputy Advocate General, Punjab, on instructions from the Investigating Officer admits the factum of compromise and submits 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 petitioners as well as learned Deputy Advocate General, Punjab 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.84 dated 24.5.2009 (Annexure-P.1) registered for the offences under Sections 279, 337, 338 and 427 IPC at Police Station

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Phillaur, District Jalandhar and all subsequent proceedings arising out of the same are hereby quashed.

January 28, 2015.

(Inderjit Singh)
Judge

hsp