

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-44323 of 2015

.....

Date of decision:26.2.2016

Pawan Kumar

.....Petitioner

v.

State of Punjab and another

.....Respondents

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Ashok Kumar Khunger, Advocate for the petitioner.

Ms. Shivali, Assistant Advocate General, Punjab for the respondent-State.

Mr. Harpal Singh, Advocate for complainant-respondent No.2.

.....

Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.51 dated 2.6.2012 (Annexure-P.1) registered for the offences under Sections 279, 337, 338 and 427 IPC at Police Station Sadar Abohar, District Fazilka and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Prem Chand on the the allegation that a clean shaven youth, who was driving a motorcycle at a very high speed in negligent manner, struck the same in the motorcycle of the complaint by coming on the wrong side, upon which his motorcycle, the complainant and his friend Subhash Chander fell

down towards the left side, due to which the complainant suffered multiple injuries, but his friend suffered few injuries. Thereafter, the complainant did not know what happened as he became unconscious. The petitioner contended that the case has been registered on the basis of suspicion and even at the time of alleged occurrence, the petitioner was not driving the vehicle in question, rather, he was falsely implicated in the FIR in question. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

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 Judicial Magistrate Ist Class, Abohar has sent his report dated 13.2.2016 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

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 petitioners as well as learned Assistant Advocate General, Punjab and learned counsel for

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 in view of the law laid by the Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, this petition is allowed and FIR No.51 dated 2.6.2012 (Annexure-P.1) registered for the offences under Sections 279, 337, 338 and 427 IPC at Police Station Sadar Abohar, District Fazilka and all subsequent proceedings arising out of the same are hereby quashed.

February 26, 2016.

(Inderjit Singh)
Judge

hsp