

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-6210 of 2016

.....

Date of decision:7.4.2016

Ishaan Chawla

.....Petitioner

v.

State of Punjab and others

.....Respondents

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. M.P. Mann, Advocate for the petitioner.

Mr. Varun Sharma, Assistant 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.103 dated 7.9.2015 (Annexure-P.1) registered for the offences under Sections 279, 338 and 427 IPC at Police Station Phase XI, Mohali, District Mohali and all subsequent proceedings arising therefrom in view of the compromise/undertaking (Annexures-P.2/P.3).

The FIR has been registered on the statement of complainant-Kirandeep Kaur on the allegations that the accused-petitioner, who was driving a car has caused accident as she struck her car in the scooter of the complainant and the complainant and her son suffered injuries. 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 Chief Judicial Magistrate, Mohali has sent his report dated 28.3.2016 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 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 petitioner as well as learned Assistant 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.

[3]

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.103 dated 7.9.2015 (Annexure-P.1) registered for the offences under Sections 279, 338 and 427 IPC at Police Station Phase XI, Mohali, District Mohali and all subsequent proceedings arising out of the same are hereby quashed.

April 7, 2016.

(Inderjit Singh)
Judge

hsp