

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

289

CRM-M-1523 of 2017

Date of Decision: May 30, 2017

Nachhater Singh and others

....Petitioners

vs.

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Narinder Singh Dadwal, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG, Punjab.

Mr. Jagjit Singh, Advocate
for the complainant/respondent No.2.

TEJINDER SINGH DHINDSA, J. (Oral)

The instant petition has been preferred under Section 482 Cr.P.C. seeking quashing of FIR No.37 dated 21.02.2016, under Sections 323, 324, 506, 148, 149 of Indian Penal Code (Sections 325, 326 IPC were added later), registered at City Jagraon, District Ludhiana.

Since quashing of the impugned FIR was sought on the basis of compromise, this Court while issuing notice of motion on 19.01.2017, had directed the parties to appear before the Illaqa Magistrate concerned for recording of the statements in support of compromise and a veracity report had been called

for.

Placed on record is a report dated 04.03.2017 of the learned Sub Divisional Judicial Magistrate, Ludhiana and a perusal of the same would reveal that the statements of the complainant-Jaspal Singh/respondent No.2 herein as also of the accused party/petitioners herein, have been duly recorded and it has been opined that the compromise has been effected voluntarily and without any pressure or coercion.

Mr. Jagjit Singh, Advocate, has put in appearance on behalf of the complainant/respondent No.2 and makes a statement at the bar that he would have no objection to the quashing of the FIR in view of the compromise that has been thrashed out.

This Court in appropriate case can exercise the power under Section 482 Cr.P.C. for quashing of criminal proceedings/FIR on the basis of compromise. A reference in this regard may be made to a Full Bench decision of this Court in ***Kulwinder Singh and others Vs. State of Punjab & others, 2007 (3) RCR (Criminal) 1052.***

Adverting back to the facts of the present case, the alleged occurrence and incident was the outcome of road rage. An Innova Car bearing registration No.PB-56-C-0050, in which the accused party was travelling had struck against a Activa Scooty of the complainant. Such an accident had led to the

altercation and infliction of injuries.

Parties have settled the dispute with the intervention of the respectables. It would be a fit case for this Court to intervene in exercise of its powers under Section 482 Cr.P.C. and to bring to an end of criminal proceedings launched on account of registration of the impugned FIR. Continuation of criminal proceedings under such circumstances would be a futile exercise and would be construed as an abuse of the process of law as also of the Court.

For the reasons recorded above, FIR No.37 dated 21.02.2016, under Sections 323, 324, 506, 148, 149 of Indian Penal Code (Sections 325, 326 IPC were added later), registered at City Jagraon, District Ludhiana and all other proceedings emanating therefrom are set aside.

Petition is allowed.

(TEJINDER SINGH DHINDSA)
JUDGE

30.05.2017
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No