

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-18171 of 2016

.....

Date of decision:22.2.2017

Rahul Sharma

.....Petitioner

v.

U.T. of Chandigarh and others

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. R.C. Sharma, Advocate for the petitioner.

Ms. Ashima Mor, Standing Counsel for the respondent-U.T.

None for the complainant-respondents No.2 and 3.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.195 dated 25.4.2014 (Annexure-P.1) registered for the offences under Sections 279, 337 and 338 IPC at Police Station Sector 34, Chandigarh and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Ram Dass on the allegations that on 19.4.2014, at about 4.15 p.m. a car being driven by a boy without Turban, came towards gate, which was being driven rashly and negligently without giving any horn, struck the car straight in the bicycle of complainant's grand-son, who had even stopped his bicycle and his grand son suffered serious injuries on his right leg. The said

car driver stopped his car and on asking he told his name as Rahul Sharma. After some time, the Police came on the spot and took complainants' grand son to GMCH for treatment. As the petitioner and respondent No.2 have common acquaintances, who have intervened and with their efforts a compromise has been effected 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, Chandigarh has sent his report dated 9.2.2017 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 Standing Counsel, U.T., Chandigarh, on instructions from the Investigating Officer admits the factum of compromise and submits that in case the parties have indeed settled their dispute, the U.T. 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 standing counsel for respondent-U.T., Chandigarh 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

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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.195 dated 25.4.2014 (Annexure-P.1) registered for the offences under Sections 279, 337 and 338 IPC at Police Station Sector 34, Chandigarh and all subsequent proceedings arising out of the same are hereby quashed qua the petitioner.

February 22, 2017.

(Inderjit Singh)
Judge

hsp

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