

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

CRM-M-20031 of 2016 (O&M)

Date of Decision: July 17, 2017

Jyoti Garg

...Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM:HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vivek Gupta, Advocate
for the petitioner.

Mr. Randeep Singh Khaira, Assistant
Advocate General,Punjab

Mr.C.S.Singh, Advocate for
Mr. Anant Goyal, Advocate for
respondents No. 2 and 3.

ARVIND SINGH SANGWAN, J.

Petitioner-Jyoti Garg, has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.155 dated 14.9.2013, under Sections 279/337/338/427 of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Dirba, District Sangrur and all consequential proceedings arising therefrom on the basis of compromise dated 25.4.2016 (Annexure P2).

As per the allegations in the FIR(Annexure P1), respondent No.2- Baldev Singh along with his wife respondent No.3- Simarjeet Kaur on 13.9.2013 were riding on a motorcycle and the petitioner-Jyoti Garg, while driving a Car, hit their motorcycle and both the complainants-respondents No. 2 and 3 received injuries.

Vide order dated 2.6.2016, this Court has directed the trial Court to record the statements of the parties and submit a report regarding its satisfaction on the compromise.

The trial Court has submitted the report dated 13.6.2016. As per the report, both the complainants-Baldev Singh and his wife-Simarjeet Kaur had appeared before the trial Court and had made the statement that they have compromised the matter with accused-Jyoti Garg. Both the complainants were identified by their counsel representing them in the trial Court. The petitioner, who was identified by his counsel representing in the trial Court, also appeared before the trial Court and made a statement that he has compromised the matter with the complainants.

Accordingly, the trial Court has reported that the compromise arrived at between the parties is of their own freewill, without any coercion and pressure and is genuine. Petitioner has been facing trial as sole accused.

As per the Full Bench judgment of this Court in **Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052**, High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court felt that the same was required to prevent the abuse of the process of any Court or to otherwise secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Perusal of allegations in the FIR reveals that the present case squarely falls in the category of cases that can be quashed by the High Court, in exercise of its inherent power under Section 482 of the Code.

Keeping in view authoritative enunciation of law laid down by Hon'ble the Supreme Court of India in “**Gian Singh vs State of Punjab and another**”, **2012(4) R.C.R. (Criminal) 543** and in the light of facts and circumstances of the present case, this Court is of the considered opinion that continuation of criminal proceedings would amount to abuse of process of law and it is expedient in the interest of justice that criminal proceedings are put to an end.

Since the parties have arrived at a compromise and have decided to live in peace, no useful purpose would be served in allowing the criminal proceedings to continue.

Accordingly, this petition is allowed. FIR No. 155 dated 14.9.2013, under Sections 279/337/338/427 IPC, registered at Police Station Dirba, District Sangrur and all the consequential proceedings, arising therefrom, are ordered to be quashed qua the petitioners.

(ARVIND SINGH SANGWAN)
JUDGE

July 17, 2017
arya

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No