In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-30219 of 2017

.....

Date of decision:21.12.2017

Jagdeep Kumar

.....Petitioner

v.

State of Punjab and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Ankit Aggarwal, Advocate for Mr. Rohit Bedi, Advocate for the petitioner.

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

Mr. R.S. Duggal, Advocate 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.188 dated 10.12.2015 (Annexure-P.1) registered for the offences under Sections 279, 337 and 338 IPC at Police Station Garhshankar, District Hoshiarpur and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.2).

The FIR has been registered on the statement of complainant-Saurabh Chaudhary on the allegations that the accused-petitioner, who was driving his car in fast speed in negligent and careless manner, hit the same into their motorcycle from backside resulting into their fall from the motocycle. The complainant received serious injuries on his head arms, left-shoulder, hands and spinal cord and Sandeep, who was pillion rider, also

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received some injuries. The petitioner ran away from the spot. 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, Garhshankar has sent report dated 6.12.2017 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 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 parties as well as learned State counsel 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

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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.188 dated 10.12.2015 (Annexure-P.1) registered for the offences under Sections 279, 337 and 338 IPC at Police Station Garhshankar, District Hoshiarpur and all subsequent proceedings arising out of the same are hereby quashed qua the petitioner.

December 21, 2017. **(Inderjit Singh)**
Judge

hsp

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

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