

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

251

CRM-M-31575 of 2017

Date of Decision:10.11.2017

Om Parkash

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: None for the petitioner.

Mr. Sandeep Vashisht, D.A.G., Haryana.

Mr. Ajay Saini, Advocate,
for respondent Nos.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.575 dated 30.04.2014 under Sections 279/337/338 IPC, registered at Police Station City Panipat (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 03.08.2017 (Annexure P-2).

FIR was registered in this case at the behest of respondent No.3-Kamal Kumar. Respondent No.2-Brhmanand and respondent No.3 are injured in the accident.

This Court vide order dated 28.08.2017 had directed the parties to appear before the trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate 1st Class, Panipat and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 14.09.2017 to the effect that the parties have compromised the matter with the intervention of the respectables of the city. Injured-Brahmanand has received the compensation in the claim-petition and now they have no grudge against the accused, in any manner. The compromise has been effected between the parties without any fear or undue influence. They have no objection if the FIR in question is quashed.

Respondent No.3-Complainant, namely, Kamal Kumar, has made a statement with regard to compromise before learned Magistrate on 14.09.2017 to the effect that he has compromised the matter with the accused without any fear or undue influence and has no objection in quashing the FIR.

Apart from above, a similar statement has also been made by respondent No.2-Brhmanand, whereby he has shown no objection to the present FIR being quashed.

Learned State counsel as well as learned counsel for respondent Nos.2 and 3 have not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.

Following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012)***

10 SCC 303, this petition is allowed and FIR No.575 dated 30.04.2014 under Sections 279/337/338 IPC, registered at Police Station City Panipat (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 03.08.2017 (Annexure P-2).

November 10, 2017
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No