

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

**CRM No.M-38136 of 2016 (O&M)
Date of Decision: 03.02.2017**

Ajay

... Petitioner

Versus

U.T. Chandigarh & another

... Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. D.S. Sidhu, Advocate for the petitioner.

Ms. Ashima Mor, Advocate for U.T. Chandigarh.

Ms. Kuljeet Kaur, Advocate for

Mr. L.S. Sidhu, Advocate for the complainant/respondent No.2.

....

TEJINDER SINGH DHINDSA, J.

The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.10 dated 11.01.2015 under Sections 279/336/337 IPC and Sections 185, 3/181 of the Motor Vehicle Act, registered at Police Station Sector-17, Chandigarh on the basis of compromise, which is stated to have been entered into between the parties.

Since quashing was sought on the basis of compromise, this Court while issuing notice of motion on 24.10.2016 had directed the parties to appear before the Illaqa Magistrate concerned for recording of their statements in support of the compromise.

Placed on record is a report dated 15.11.2016 of the learned Chief Judicial Magistrate, Chandigarh and in terms of which the statements of the complainant/respondent No.2 herein Tarun Arora as also of the accused/petitioner herein-Ajay have been duly recorded and it has been opined that the compromise has been effected without any undue influence, pressure or coercion.

During the course of hearing today, it has gone uncontroverted that even though challan has been presented and charges have been framed yet out of 15 only two prosecution witnesses have been examined till date. The compromise has been entered into at the very initial stage of the trial. That apart, even though allegations against the present petitioner were with regard to driving of a motor cycle under the influence of liquor and having struck against a car being driven by the complainant/respondent No.2, yet it may be noticed that it is the petitioner himself who had suffered injuries.

This Court in appropriate cases 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 & others Vs. State of Punjab & others, 2007 (3) RCR (Criminal) 1052*.

In the considered view of this Court, the facts of the present case justify the intervention of this Court in exercise of its power under Section 482 Cr.P.C. to bring to an end the criminal prosecution initiated in the light of the impugned FIR on account of a settlement having been arrived at.

For the reasons recorded above, the present petition is accepted. FIR No.10 dated 11.01.2015 under Sections 279/336/337 IPC and Sections 185, 3/181 of the Motor Vehicle Act, registered at Police Station Sector-17, Chandigarh and all proceedings emanating therefrom stand quashed.

Petition allowed in the aforesaid terms.

03.02.2017

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |