

259.

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

CRM-M-27615-2018

Date of decision:12.09.2018.

SHIVAM SACHDEVA

... Petitioner

Versus

STATE OF PUNJAB & ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Raghav Gulati, Advocate, for
Ms. Divya, Advocate,
for the petitioner.

Mr. Surinder Pal Singh Tinna, Additional Advocate General,
Punjab, for respondent No.1.

Mr. Sanish Girdhar, Advocate, for
Ms. Sudha, Advocate,
for respondents No.2 & 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.124 dated 29.10.2016 registered under Sections 279, 337, 338, 427 IPC at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 28.02.2017 (Annexure P-2).

This Court vide order dated 06.07.2018 had directed the parties to appear before the Illaqa Magistrate/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 Additional Chief Judicial Magistrate, Sri Muktsar Sahib and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 13.08.2018 to the effect that the compromise appears to be genuine and has been effected between the parties without any kind of undue influence or pressure.

Respondent No.2-complainant, namely, Avtar Singh has made his statement with regard to compromise before learned Magistrate on 10.08.2018. The same is reproduced as under:-

“Stated that present FIR against accused was registered at my instance being complainant under sections 279/337/338/427 of IPC on the allegations that accused was driving his car bearing registration no.RJ-13CA-4664 in rash and negligent manner and caused accident with the motor-cycle being driven by my brother Amritpal Singh due to which Amritpal Singh received injuries and his motor-cycle was also damaged. However, panchayat and respectable persons of society have got compromise effected between us. Now there is no dispute between us and I do not want to take any action against accused. I have entered into compromise with my own sweet will without any pressure. I tender copy of my Aadhar card for the purpose of ascertaining my identity as Ex. C1.”

Apart from above, a similar statement has also been made by the injured Amritpal Singh-respondent No.3, whereby he has shown no objection to the FIR being quashed.

Learned State counsel as well as learned counsel appearing on behalf of respondents No.2 & 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 F.I.R.

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 F.I.R. No.124 dated 29.10.2016 registered under Sections 279, 337, 338, 427 IPC at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 28.02.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

12.09.2018
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No