

CRM-M-37986-2016 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37986-2016 (O&M)

Date of Decision: 06th February, 2018

Pritpal Singh

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. G.S. Bhandari, Advocate
for the petitioner.

Mr. Kuldeep Singh, Sr. DAG, Punjab.

Mr. Abnash Singh, Advocate
for respondents No.2 and 3.

AUGUSTINE GEORGE MASI, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.141 dated 01.10.2016, under Sections 279, 337, 338 and 427 of the Indian Penal Code, registered at Police Station Saha, District Ambala. (Annexure P-1) and all subsequent proceedings arising therefrom, in the light of the compromise dated 17.10.2016 (Annexure P-2) entered into between the petitioner and respondents No.2 and 3.

Earlier the case came up for hearing on 24.10.2016, when the following order was passed:-

“Notice of motion.

On the asking of Court, Mr. Munish Sharma, Asstt. Advocate General, Haryana accepts notice on behalf of respondent No.1. Let a copy of the paper book be supplied to him.

Mr. Abnash Singh, Advocate puts in appearance and accepts notice on behalf of respondents No.2 and 3.

In the light of contentions that the parties have since then effected compromise, they are directed to put in appearance before the Illaqa Magistrate, Police Station Saha, District Ambala within 15 days from today to record their statements and the Illaqa Magistrate shall make report as to its satisfaction and submit it back before the next date of hearing.

List on 28th March, 2017.”

Thereafter, on 09.01.2018, when the case was again taken up for hearing, following order was passed:-

“The report which has been submitted by the Judicial Magistrate, 1st Class, Ambala is not in consonance with the order dated 24.10.2016 passed by this Court. It appears that Magistrate has not understood the order which is clear and categoric that he had to, apart from recording separate statements of the parties, required to give his report as to its satisfaction with regard to the compromise being voluntary and without being influenced by any other factor.

A direction is issued to Judicial Magistrate, 1st Class, Ambala to comply with the order dated 24.10.2016 in letter and spirit and submit its report on or before 30.01.2018. Copy of this order be sent forthwith for compliance.

To come up for consideration on 06.02.2018.”

In compliance of the orders passed by this Court, parties had appeared before the Judicial Magistrate First Class, Ambala, on 22.01.2018

and got recorded their statements. On the basis of the statements, which have been given by the petitioners and respondents No.2 and 3, learned Judicial Magistrate First Class, Ambala, has submitted a report that the statements given by the parties were voluntary and without any pressure or influence. Similarly, the compromise entered into between the parties is genuine and without any coercion, undue influence or pressure of any sort.

Counsel for the petitioner as also counsel for respondents No.2 and 3 state that in the light of the compromise 17.10.2016 (Annexure P-2) entered into between the parties, the complainant and the injured do not want to pursue the present FIR any further and none of them has any objection to the quashing of the same as has been prayed in the present petition.

Keeping in view the fact that an amicable settlement has been entered into between the parties where because of an accident, some injuries were caused to respondents No.2 and 3, who have now amicably resolved the dispute with the petitioner. Keeping in view the fact that the matter has been amicably settled between the parties and they want to finish the dispute, which was primarily an accident, the proceedings should come to an end.

In the light of the above facts and circumstances and the principles laid down by the Hon'ble Supreme Court in ***Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482*** and the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052***, the

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present petition is allowed. FIR No.141 dated 01.10.2016, under Sections 279, 337, 338 and 427 of the Indian Penal Code, registered at Police Station Saha, District Ambala. (Annexure P-1) and all subsequent proceedings arising therefrom, are hereby quashed.

06th February, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No