

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

CRM-M-6672-2016 (O&M)

Date of decision: 14.11.2018

Satnam Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Nakul Sharma, Advocate
for the petitioner.

Mr. V.G. Jauhar, Senior DAG, Punjab.

Ms. Amanpreet Kaur, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 of the Code of Criminal Procedure, the petitioner has prayed for quashing of FIR No.74 dated 07.03.2013, registered under Sections 279, 304-A of the Indian Penal Code (for short 'IPC') at Police Station Civil Lines Batala, Police District Batala, District Gurdaspur and subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

In the present case, the FIR was registered on the statement of Ravinder Pal Singh son of Tarlochan Singh. Now, dispute between the parties has been resolved.

Vide order dated 03.08.2018, the parties were directed to appear before the learned trial court to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the learned Judicial Magistrate Ist Class, Batala wherein it has been reported that

statements of the parties have been recorded and compromise entered between the parties is genuine and not the result of any pressure or coercion.

Learned counsel for the State as well as learned counsel for respondent No.2 have not disputed that the parties i.e. petitioner, respondent No.2 (complainant), have arrived at a settlement with an intent to give burial to their differences.

Although a compromise has been effected yet the record transpires that both eye-witnesses namely, Ravinder Pal Singh and Jaspal Singh failed to identify the present petitioner. They have stated that the present petitioner was not driving the vehicle on the date. They have not supported the prosecution case and have been declared hostile and there is nothing on record to connect the petitioner with the crime. A bare perusal of the statement of the witnesses transpires that petitioner was innocent and he has no role in the offence. As such, provisions of Section 304-A IPC is not attracted in the present case.

Reliance has been placed upon the judgments of coordinate bench of this court in *Anil Kumar Vs. State of Punjab and another*, 2009(3) R.C.R. (Criminal) 258.

Perusal of allegations in the FIR reveals that the present case squarely falls in the category of cases that can be quashed by the High Court, in exercise of its inherent power under Section 482 Cr.P.C. Keeping in view authoritative enunciation of law laid down by Hon'ble the Supreme Court in **'Gian Singh v. State of Punjab and another', 2012 (4) R.C.R. (Criminal) 543** and in the light of facts and circumstances discussed hereinbefore, this Court is of the considered opinion that continuation of criminal proceedings would amount to abuse of process of law and it is expedient in the interest of justice that the same are put to an end.

For the foregoing reasons, the petition is allowed and FIR No.74 dated 07.03.2013, registered under Sections 279, 304-A IPC at Police Station

Civil Lines Batala, Police District Batala, District Gurdaspur and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua petitioner.

November 14, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no