

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

CRM-M-12752 of 2018

Date of Decision : March 06, 2019

Jasvir Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM : HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Ruhani Chadha, Advocate
 for the petitioner.

 Mr. Joginder Pal Ratra, DAG, Punjab.

 Mr. Rahul Bhargava, Advocate
 for respondents No.2 and 3.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer made in the petition is for quashing of FIR No.23 dated 14.3.2017 under Sections 304-A, 279, 338 of the IPC registered at Police Station Bholath, District Kapurthala.

On 26.7.2018, the parties were directed to appear before the trial Court and the trial Court was further directed to submit a report on the following points :-

1. Number of persons arrayed as accused in FIR,
2. Whether any accused is proclaimed offender,
3. Whether the compromise is genuine, voluntary and without any coercion or undue influence,
4. Whether the accused persons are involved in any other FIR or not.
5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

The trial Court has submitted a report on 16.8.2018. In the report it is submitted that the complainant Ravel appeared before the and made a statement that he has compromised the matter with the accused Jasbir Singh without any pressure, coercion or undue influence. As per the statement of Ravel Singh, the complainant got the FIR registered. There is a compromise between the parties.

It is further submitted that there are two victims in this case, i.e. Jaswinder Kaur, who had died in the accident and Gurnam Singh, who has sustained injuries. The trial Court has also recorded the statement of Gurnam Kaur wife of Satnam who has stated that the petitioner has paid compensation of Rs.6.50 lacs to her on account of injuries sustained by her. It is also stated that he has paid another amount of Rs.4.50 lacs to the husband of deceased Sukhwinder Kaur. However, the trial Court has not recorded the statement of Jaswant Singh. Therefore, the parties were directed to appear before Mediation and Conciliation Centre of this Court for recording their respective statements.

The Mediator has recorded the statement of Jasbir Singh, alongwith his counsel and the complainant Ravel Singh, injured Gurnam Kaur and Jaswant Singh, husband of deceased Surinder Kaur alongwith their counsel. The following settlement/agreement was arrived at between the parties before the Mediation and Conciliation Centre:-

“XXXX

XXXX

XXX

7. That the parties i.e. first party and the second party have agreed to settle their dispute in the following

terms :-

- (a) That the parties have settled their dispute as the accused Jasvir Singh-first party has paid a sum of RS.4,50,000/- to Jaswant Singh who is husband of deceased Sukhwinder Kaur.
- (b) That it is further stated that Jasvir Singh-first party spent a sum of RS.6,50,000/- (Rupees Six Lacs and Fifty Thousand only) on the treatment of Gurnam Kaur who is a victim and who is respondent No.3-second party. The victim Gurnam Kaur is daughter-in-law of Rewal Singh who is respondent No.2-second party to this settlement. It is admitted by Gurnam Kaur who is present that the expenses of her whole treatment were borne by Jasvir Singh-first party to this settlement.

8. By signing this agreement the parties hereto stated that they have no further claims or demands against each other and all the disputes and differences in this regard have been amicably settled by the parties hereto through the process of Conciliation/Mediation and the parties shall not institute any other case against each other with respect to the present claim.

9. That the parties undertake before the Hon'ble Court to abide by the terms and conditions set out in the agreement and not to dispute the same hereinafter in future and requested the Hon'ble Court to dispose of the present case in the light of this settlement.

10. That the parties to this agreement hereby state that they have read the agreement, that they have understood the contents thereof and their execution of agreement is voluntary.”

Counsel for the petitioner has submitted that the trial Court has also recorded the findings that there is valid and legal compromise between the parties, which is voluntarily, without any coercion or undue influence and the complainant and the injured-victim has made a statement that they have duly compensated by the petitioner.

Again, the parties have appeared before the Mediator where the settlement/agreement has been arrived at between them and as per the settlement, it is admitted that the petitioner has paid an amount of Rs.4.50 lacs to Jaswant Singh, husband of the deceased-victim-Sukhwinder Kaur and has also been paid an amount of Rs.6.50 lacs to injured victim Gurnam Kaur. The Mediator has also recorded the statement that the parties have entered into a compromise, which is voluntarily and without any pressure.

It is apparent on the record that the parties, i.e. the victim/LRs of victim have obtained the just and fair compensation on account of the untimely death of Jaswinder Kaur, and on account of injuries sustained by victim Gurnam Kaur and the petitioner has paid a huge amount of Rs.6.50 lacs and 4.50 lacs, in this regard.

The parties have also made a statement that there is no pressure on them and they have entered into a compromise voluntarily without any pressure and, therefore, the trial Court as well as this Court are of the opinion that the compromise has been effected between the parties of their own free will and without any coercion or any undue influence and also in view of the fact that the petitioner has paid the sufficient amount of compensation to the

victims, the FIR No.23 dated 14.3.2017 under Sections 304-A, 279, 338 of the IPC registered at Police Station Bholath, District Kapurthala is quashed.

The petition is, accordingly, allowed.

March 06, 2019
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : YES / NO

Whether reportable : YES / NO