

266 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10290-2019 (O&M)

Date of Decision : 20.5.2019

Naresh Kumar

..... Petitioner

Versus

The State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Bikramjit Aroura, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

Mr. N.S.Dadwal, Advocate
for respondents No.2 to 4.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.274 dated 26.9.2015, under Sections 304-A, 279, 337, 338, 427 IPC registered at Police Station City Tarn Taran and all other consequential proceedings arising therefrom on the basis of compromise.

Counsel for the petitioner states that as regards the invocation of Section 304-A it has come in the statement that accident had taken place due to bursting of front right tyre of the vehicle Wagon-R car. In the circumstances, invocation of Section 304-A is not made out.

On 6.3.2018 the following order was passed :-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.274 dated 26.09.2015 registered under Sections 304-A/279/337/338/427 IPC at P.S. City Tarn Taran

and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

Notice of motion. On the asking of the Court, Ms.Amarjit Kaur Khurana, DAG, Punjab accepts notice on behalf of the respondent No.1. Mr. N.S.Dadwal, Advocate has entered appearance on behalf of respondents No.2, 3 & 4. Counsel for the petitioner undertakes to supply two copies of the petition to the learned opposite counsel during the course of the day.

To come up on 24.04.2019. Meanwhile, the parties are directed to be present before the trial Court/Illaqa Magistrate on 27.03.2019 or on any other date convenient to the Court for recording their statements with regard to compromise. The Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Court is further directed to send report along with the statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal case and proclamation proceedings is pending against either of the parties before the next date of hearing.”

Thereafter, the report of the JMIC 1st class Tarn Taran dated 29.3.2018 has been received whereby he has mentioned that the parties had appeared before him and had attested to the fact that compromise between the parties has been arrived and the same is genuine, voluntarily, without any coercion and undue influence with their free will and neither any accused has been declared proclaimed offender nor P.O. proceedings are pending against the accused.

Learned Sr. DAG has accepted these facts.

The Supreme Court in **Gian Singh v. State of Punjab and another** reported as 2012(4) RCR(Criminal) 543 has discussed in

detail the inherent powers of High Court in quashing a criminal proceeding or FIR or complaint where the parties have entered into compromise except the cases which involve offences such as murder, rape dacoity etc. as such offences are not private in nature and have serious impact on society.

In view of the above judicial pronouncement, I am of the considered opinion that continuation of criminal proceedings between the parties would be an abuse of the process of law and the present compromise is for their benefit and will bring peace and harmony between them.

Consequently, this petition is allowed and the above said FIR and all consequential proceedings arising therefrom are quashed qua the petitioner.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

20.5.2019

anuradha

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No