

250 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.20604 of 2018 (O&M)
Date of Decision : 27.05.2019

Ramesh Kumar

..... Petitioner

Versus

State of Punjab & ors.

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. J.S.Grewal, Advocate
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

Mr. Piyush Sharma, Advocate
for respondents No.2 to 5.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0024 dated 24.04.2018 under Sections 304-A/427 IPC at P.S. Sadar Abohar, District Fazilka and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 02.04.2019 the following order was passed :-

*“Learned counsel for the petitioner has relied upon **State of Madhya Pradesh vs. Laxmi Narayan and others** in Criminal Appeal No. 349 of 2019 dated 05.03.2019 wherein three Judges Bench has held that even offence under Section 307 IPC can be quashed. Their Lordships quoted the observations of the Supreme Court in **Narinder Singh Vs.***

State of Punja, (2014) 6 SCC 466, Parbatbhai Aahir Vs. State of Gujarat (2017) 9 SCC 641 and Gian Singh Vs. State of Punjab (2012) 10 SCC 303

*Learned Sr. DAG has relied upon **Baldev Singh Vs. State of Punjab & anr. passed in CRM-M-40769-2014 decided on 02.06.2016.** As far as the judgment relied upon by the learned Sr. DAG is concerned it may be mentioned that in that judgment Their Lordships had clarified that a case under Section 304-A IPC could not be quashed 'solely on the basis of compromise'*

Counsel for the petitioner points out that in the present case the legal representative/complainant has filed an affidavit stating that on his own investigation he has come to know that the petitioner has not caused the accident and the tractor is also not owned by the petitioner.

*Learned Sr. DAG has relied upon **State of Punjab Vs. Saurabh Bakshi, reported as 2015(2)RCR(Crl.) 495** and in that case what Their Lordships has held was that the mere payment of compensation does not entitle the accused to a lesser punishment but that was a case where conviction has been recorded.*

The present is a situation where the case is at its very initial stage and the complainant has unequivocally stated that he was mistaken and it was not the petitioner who had caused the accident.

To come up on 27.05.2019.

Meanwhile, the parties are directed to be present before the trial Court/Illaq Magistrate on 25.04.2019 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 Judicial Magistrate 1st Class, Abohar dated 20.04.2019 has been received wherein it has been mentioned that :-

“ The petitioners/accused as well as complainant named above in their respective statements have stated that now the matter has been compromised between them amicably, without any pressure, coercion and with free will. So, in view of the statements of complainant as well as accused, it is quite evident that the compromise has been effected between the complainant and accused voluntarily, without any threat or coercion or undue influence and appears to be valid & genuine. In view of the statement suffered by IO ASI Gurmail Singh there is no PO proceedings pending against the accused and there is no other criminal case against the accused except the above said FIR.”

Learned State counsel on instructions from Investigating Officer has also accepted this fact.

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 petitioner.

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

27.05.2019

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No