

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

**CRM-M No.11326 of 2019
Date of Decision: 08.05.2019**

NAVDEEP SINGH

.....Petitioner

Versus

STATE OF PUNJAB AND ORS

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Bhupinder Banga, Advocate for the petitioner.

Mr. C.L. Pawar, Sr. DAG, Punjab.

Mr. Imran Ahmad Ali, Advocate
for respondents No. 2 and 3.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No. 26 dated 07.03.2016, under Sections 279, 337, 427 of the Indian Penal Code, registered at Police Station Passiana, District Patiala along with all consequential proceedings arising therefrom on the basis of compromise dated 22.02.2019 (**Annexure P-2**) entered into between the parties i.e. petitioner as well as respondents No.2 and 3.

As per the allegations in the FIR, on 05.03.2016 respondents No. 2 and 3 alongwith their family members and neighbours were going from Ludhiana to Gurudwara Kameswar Dwaar, Village Shekhupura Sangrur, Patiala. Respondent No.3 was driving the Tractor, at about 7:30 P.M. when they reached

ahead of village Pablan near Gurudwara Nanaksar Garha Sahib, then respondent No.3 stopped the vehicle at the corner of the road at his unpaved side to clean the mirror, then a Swift Car bearing No. PB-10-FK-9850 rashly and negligently driven by driver-Navdeep Singh struck behind their tractor due to which respondent No. 2 suffered injuries on her right leg, thigh and on right shoulder.

Heard learned counsel for the parties and perused the paper book.

On 12.03.2019, while issuing notice of motion the following order was passed by this Court:

“Contentends that matter has been compromised between the parties.

Notice of motion.

On the asking of the Court, Mr. C.L.Pawar, Sr. DAG, Punjab accepts notice on behalf of respondent No.1/State.

Mr. Imran Ahmad Ali, Advocate, who is present in the Court, has filed memo of appearance on behalf of respondent Nos.2 and 3. The same is taken on record. He acknowledged the factum of compromise arrived at between the parties.

Requisite number of copies of the petition be supplied to learned Counsel for the respondents during the course of the day.

Petitioner will file his affidavit that there is no other criminal case pending against him and also give the details of any other FIR(s), which have already been quashed on the basis of compromise.

In view of above, let the parties appear before the Court of learned Illaqa Magistrate/trial Court on **22.04.2019** to record their statements with reference to the compromise, if any, entered into between them.

Learned Illaqa Magistrate/trial Court will record the statements of all accused, complainant/injured and victim, if any and submit a report along with the statements to this Court before the next date of hearing containing the following information:-

(i). Whether the statements of the parties are bona fide and are not result of any pressure or coercion etc. in any

manner?

(ii). Whether the compromise effected between the parties is genuine and valid?

(iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s).

(iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof.

(v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender.

(vi). whether any of the petitioner(s) is/are previous convict or not?.

List before this Court on **08.05.2019** for further consideration.

Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection or not?

Copy of this order be sent to learned Judicial Officer concerned forthwith for information and strict compliance.”

In terms of above order, the statements of the parties were recorded by learned Judicial Magistrate First Class, Patiala and submitted a report dated 01.05.2019. The operative part of the same reads as under:-

'From the perusal of the statements suffered by the complainant as well as the accused, this Court is of the considered opinion that the compromise effected between the parties is without any pressure and coercion and is voluntarily and genuine one. Perusal of the file shows that none of the accused has been declared as Proclaimed Offender in this case. The accused present in the Court suffered statement that he has not been involved in any other FIR except the present FIR.'

A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence and no one has been declared as

proclaimed offender in this case.

On instructions from the police official who is present in Court, learned State Counsel stated that he has no objection in case the present FIR as well as all other consequential proceedings are quashed on the basis of the compromise effected between the parties. Even before this Court also, there is no objection by either of the parties in case the present FIR is quashed.

In view of the above, this Court is fully convinced that the offences are entirely personal in nature and do not affect any public peace and tranquility, thus quashing of FIR in question along with all consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice. Consequently, the present petition is allowed and the aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioner.

May 08, 2019

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**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>