

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

**CRM-M No.19885 of 2019
Date of Decision: 19.08.2019**

PARDEEP SINGH AND ORS

.....Petitioners

Versus

STATE OF PUNJAB AND ORS

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Siddharth Gupta, Advocate
for the petitioners.

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

Mr. Satvir Singh, Advocate for
Ms. Naina Issar, Advocate
for respondents No. 2 to 4.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.81 dated 29.07.2017, under Sections 279, 337, 338 and 427 of the Indian Penal Code, registered at Police Station City Rampura, District Bathinda along with all consequential proceedings arising therefrom on the basis of compromise dated 25.01.2019(P-2) entered into between the parties i.e. petitioners as well as respondent No.2 to 4.

As per the allegations in the FIR, complainant-respondent No.2, his father -respondent No.3 and their servant-respondent No.4 were coming back to the house after completing their work. Respondents No.3 and 4 were boarding on splendor motorcycle of silver color and respondent No.2 boarded on platina motorcycle. At about 07/07:30 P.M. when respondents No. 3 and 4 reached near the house of one Khanda Singh, a motorcycle bearing registration No. PB19 K-4337, upon which three youth were riding and making noise by raising their

arms, came at a very high speed and struck negligently with the motorcycle of respondents No. 3 and 4. Due to which, respondent No. 3 suffered serious injuries on his head as well as knee and respondent No.4 suffered serious injuries on his head. The motorcycle of respondent No.3 was also badly damaged.

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

On 02.05.2019, while issuing notice of motion the following order was passed by this Court:

“ Prayer made herein is for quashing of FIR No. 81 dated 29.7.2017 under Sections 279, 337, 338, 427 of the Indian Penal Code, Police Station City Rampura, District Bathinda and proceedings emanating therefrom on the basis of a compromise effected between the parties.

Notice of motion for **19.8.2019**.

Ms. Naina Issar, Advocate has appeared on behalf of respondent Nos.2 to 4 and filed power of attorney. The same is taken on record.

The parties are directed to appear before the Illaqa Magistrate/trial Court on **31.5.2019** for recording their statements qua compromise.

The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing as regards authenticity and genuineness of compromise after recording statement of all the affected parties.

The Illaqa Magistrate/trial Court shall also furnish the following information:

1. Whether there is any other accused other than the petitioners, arrayed in this petition.
2. Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition.”

In terms of above order, the statements of the parties were recorded by learned Judicial Magistrate First Class(D), Phul and submitted a report dated

12.07.2019. The operative part of the same reads as under:-

' ...So, I am satisfied that the compromise effected between the parties is without any pressure and the same is genuine.”

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, learned State Counsel has acknowledged the above fact and further 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 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 petitioners.

August 19, 2019
rashmi

(MAHABIR SINGH SINDHU)
JUDGE

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