

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

**CRM-M No.52637 of 2018 (O&M)
Date of Decision: 04.09.2019**

Sushant Mahajan

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vipin Mahajan, Advocate for the petitioner.

Mr. Venu Gopal Jauhar, Senior Deputy Advocate General, Punjab
for respondent No.1/State.

Mr. Vishal Munjal, Advocate for respondent Nos.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.186 dated 20.11.2016, under Sections 279, 337 and 338 of the Indian Penal Code, 1860, registered at Police Station City Gurdaspur, District Gurdaspur along with all consequential proceedings arising therefrom on the basis of compromise dated 30.11.2016, entered into between the parties i.e. petitioner as well as respondent Nos.2 and 3.

Brief facts of the case are that on 04.11.2016 at about 02:00 PM, complainant/respondent No.2-Kamlesh along with her husband/respondent No.3-Subhash Chander Sharma was coming from Dinanagar to Gurdaspur on their Moped, driven by respondent No.3. Then a black coloured Pulsar Motorcycle, without number plate, came on the wrong side in a fast speed and without blowing horn, hit his vehicle to respondent No.3 and due to that, he suffered injuries on his person. Thereafter, he was shifted to Government

Hospital, Gurdaspur. Later on, complainant came to know that driver of the offending vehicle was petitioner. Hence, the present FIR was registered.

This Court, while issuing notice of motion on 29.11.2018, passed the following order:-

“ *Notice of motion.*

Mr. Vishal Munjal, Advocate appears on behalf of respondents no.2 and 3 and files vakalatnama.

On the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of respondent no.1. Copy of the petition be supplied to him.

Learned Counsel for the petitioner as well as respondent No.2 jointly stated that the matter has been compromised between the parties.

In view of above, let the parties appear before the Court of learned Illaqa Magistrate/trial Court on 12.12.2018 to give their statements with reference to the compromise, if any, which has been entered into between them. Learned Illaqa Magistrate/trial Court is requested to record the statements of all accused, complainant/injured and victim, if any and submit a report along with the recorded 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.

List before this Court on 16.01.2019 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 compliance. ”

In terms of aforesaid order, the statements of both the parties were recorded by learned Chief Judicial Magistrate, Gurdaspur and submitted a report dated 07.02.2019. The operative part of the same reads as under:-

“ xxxxxxxx

It is further submitted that

- (i) The statements of the parties are bonafide and without any pressure or coercion etc. in any manner.*
- (ii) All the parties have appeared for recording their statements, therefore, it appears that compromise is genuine and valid.*
- (iii) As per statement all the accused, complainant and injured are party to the compromise.*
- (iv) As per statement of Investigating officer, no other case is pending against either of parties.*
- (v) As per statement of Investigating officer, no accused has been declared as proclaimed offender in this case as per record. ”*

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.

Learned State Counsel, on instructions from ASI Mangal Singh, 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 or tranquillity and 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.

September 04, 2019
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No