

289

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

CRM-M-33791 of 2019 (O&M)

Date of decision: September 18, 2019

Pranav Sehgal

.....Petitioner

Versus

Union Territory, Chandigarh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Suvir Sehgal, Advocate for the petitioner.

Mr. Gautam Dutt, Add. P.P. U.T., Chandigarh.

Mr. Daman Dhir, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J

Present petition has been filed by the petitioner under Section 320 read with Section 482 of Code of Criminal Procedure, 1973 for quashing of FIR No.0083 dated 09.07.2019, under Sections 279/337 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Sector 49, Chandigarh along with all other consequential proceedings, on the basis of affidavits/compromise.

Brief facts of the case are that on 09.07.2019, complainant-Harjinder Singh son of Sardar Kewal Singh, who was posted as a Driver at Jagraon Depot, was driving Bus No.PB10 FF 5232. While going from Shimla to Moga, along with conductor and passengers, at about 12:30 AM, when he reached near the light point of Sector 45/46/49/50 and tried to cross it, suddenly one car, being driven in a very rash and negligent manner, came from Mohali side. The car

collided with the left side front tyre of the Bus. Complainant lost balance of the Bus and after crossing the divider of Sector 45 side, hit against the tree and rolled over on the road. He along with passengers of the Bus suffered injuries and due to this, said Bus as well as car got damaged badly. He alighted from the Bus and noted down the number of the car that was CH01 BA 4705 Polo, Red Color. The driver of the Car came to him, upon which, complainant asked his name. On this, driver disclosed his name as Pranav Sehgal (aged 21 years) son of Suvir Sahgal, resident of House No.47, Sector 5, Chandigarh.

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

On 21.08.2019, while issuing notice of motion the following order was passed by this Court:-

“Contends that matter has been compromised between the parties.

Notice of motion.

On the asking of the Court, Mr. Gautam Dutt, Addl. P.P., UT, Chandigarh accepts notice on behalf of respondent No.1/State.

Mr. Daman Dhir, Advocate, who is present in the Court, has filed power of attorney on behalf of respondent No.2. 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 before learned Illaqa Magistrate/trial Court that there is no other criminal case

pending against him and also give the details of any other FIR(s), if any, 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 28.08.2019 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 18.09.2019 for further consideration.

Meanwhile, learned Counsel for the UT, Chandigarh 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 Civil Judge (Jr. Division)-cum-JMIC, Chandigarh and submitted a report dated 05.09.2019. The operative part of the same reads as under:-

“Hence, it is hereby reported that compromise, arrived between complainant/aggrieved Harjinder Singh and accused Pranav Sehla which is genuine and valid and none of the parties have any case pending against them and accused is neither a previous convict nor a proclaimed offender.”

A perusal of the aforesaid report clearly reveals that the matter has been compromised by both private 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.

Learned counsel for the respondent-U.T., Chandigarh, on instructions from police official present in Court to assist him, has acknowledged the above fact and further stated that respondent-U.T., Chandigarh 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 along with all consequential proceedings arising therefrom, is quashed.

Injuries in this case are on the non vital part of the body,

the matter has been amicably settled with free consent of the parties and that the offences are entirely personal in nature which do not affect any public peace and tranquility; thus, this Court is fully convinced that quashing of FIR 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.

(MAHABIR SINGH SINDHU)
JUDGE

September 18, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No