

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

**CRM-M No.56156 of 2018 (O&M)
Date of Decision: 27.02.2019**

SANJEEV KUMAR

.....Petitioner

Versus

STATE OF PUNJAB AND ORS

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

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

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Rimpal Saini, Advocate for
Mr. Hoshiar Singh, Advocate
for respondents No. 2 and 3.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition under Section 482 Cr.P.C. has been filed praying for quashing of FIR No.109 dated 30.08.2018 (**Annexure P-1**), under Sections 279,337 and 338 of Indian Penal Code, registered at Police Station Division No.2, District Pathankot along with all consequential proceedings arising therefrom on the basis of compromise dated 13.09.2018 (**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, it has been alleged that respondent No.3 was working in the department of Home Guard posted at Police Station Division No.2, Pathankot and he has asked respondent No.2 to drop him at Police Station Division No.2, Pathankot. On 25/26.08.2018 at about 1.00. a.m. respondent no.3 was standing aside the road and respondent No.2 was bringing his motor cycle from his house to main road, in the meanwhile, one white Color Maruti Swift car bearing registration No. PB-06 AG 9123 without blowing any

horn rashly and negligently driven by the driver, hit respondent No.3 and dragged him about 50 feet due to which respondent No.3 fell down and suffered injuries. The driver of the car ran away from the spot.

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

On 17.12.2018, while issuing notice of motion this Court has passed the following order:-

“Learned Counsel for the petitioner contends that the matter has been compromised between the parties.

Notice of motion for 29.01.2019.

On the asking of the Court, Mr. Ramandeep Sandhu, Sr. DAG, Punjab accepts notice on behalf of respondent No.1 and one set of paper-book be supplied to him during the course of day.

Mr. Hoshiar Singh, Advocate, who is present in the Court, accepts notice on behalf of respondent Nos.2 and 3 and has filed power of attorney on his behalf. Two Copies of paper-book be also supplied to him during the course of day.

In the meanwhile, let the parties appear before the Court of learned Illaqa Magistrate/trial Court on 11.01.2019 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.

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

In terms of above order, the statements of the parties were recorded by learned Judicial Magistrate First Class, Pathankot and submitted a report dated 12.02.2019. The operative part of the same reads as under:-

'After going through the statements, I am satisfied that both the parties got recorded their statements voluntarily with regard to the compromise. It is submitted that the parties got recorded their statements voluntarily and out of free will with regard to the compromise.'

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 ASI Harpreet Singh, 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 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.

February 27, 2019
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(MAHABIR SINGH SINDHU)
JUDGE

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