

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

**CRM-M No.53770 of 2018
Date of Decision: 08.07.2019**

HARPREET SINGH

.....Petitioner

Versus

STATE OF PUNJAB AND ANR

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. J.K. Singla, Advocate
for the petitioner.

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

Mr. Tarun Singla, Advocate
for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition under Section 482 Cr.P.C. has been filed praying for quashing of FIR No.10 dated 11.01.2016 (**Annexure P-2**), under Sections 279,337 and 427 of Indian Penal Code, registered at Police Station Dayalpura, District Bathinda along with all consequential proceedings arising therefrom on the basis of compromise dated 09.03.2018 (**Annexure P-3**) entered into between the parties i.e. petitioner as well as respondent No. 2.

As per the allegations in the FIR, respondent No.2-complainant was travelling in his car bearing registration No. PB 10 CS 6331 and was going towards School Bhagta Bhai Ka from his Village Khokhar Khurd. At about 8:45

a.m. when he reached near Goyal Rice Mill, a bus bearing registration No. PB-03AJ-5074 driven by the petitioner in a rash and negligent manner, tried to overtake, but failed, then the bus hit the car of the complainant. Due to this the car struck with tree and the complainant received numerous injuries and his car was also damaged.

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

On 06.12.2018, while issuing notice of motion this Court has passed the following order:-

“Contentends that the matter has been compromised between the parties.

Notice of motion.

Mr.Tarun Singla, Advocate appears on behalf of respondent no.2 and files vakalatnama.

On the asking of the Court, Mr. Ramandeep Sandhu, Sr.DAG, Punjab accepts notice on behalf of respondent no.1.

Copy of the petition 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 31.01.2019 to get their statements recorded with reference to the compromise, if any, 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 06.02.2019 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 above order, the statements of the parties were recorded by learned Sub Divisional Judicial Magistrate, Phul and submitted a report dated 01.02.2019. The operative part of the same reads as under:-

'This Court is fully satisfied that compromise between the parties has been effected voluntarily without any pressure, threat or coercion.'

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 Head Constable Bhoga 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.

July 08, 2019

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(MAHABIR SINGH SINDHU)
JUDGE

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