

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

CRM-M-26451-2020 (O&M)

Date of decision: 07.09.2020

Gurpreet Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Amit Dhawan, Advocate,
for the petitioner.

Ritu Bahri, J.

Quashing of FIR No. 05 dated 14.01.2020, under Sections 279/337/427 IPC, registered at Police Station, Division No.6, District Jalandhar (Annexure P-1) and subsequent proceedings arising therefrom, are being sought on the basis of compromise dated 13.02.2020 (Annexure P-2).

FIR (Annexure P-1) was registered on the basis of statement made by Mukesh Kumar-respondent No.2 to the effect that on 13.01.2020, he along with his wife Neelam Sharma was coming back from Adampur towards his house Jalandhar in an Innova car after giving gifts to his sister on the occasion of 'Lohri' festival. At about 12.15 A.M., when they were crossing Guru Nanak Mission Chowk, Jalandhar, in the meantime, one car bearing registration No. HP-47-4335, make Swift, being driven by petitioner-Gurpreet Singh in a rash and negligent manner, came from the side of Sky Lark Chowk and hit right side of complainant's car, as a result of

which, car of the complainant got turtle. Complainant was got admitted in BBC Heart Care, near Nakodar Chowk, Jalandhar, where he was medically examined. In this background, the FIR was registered.

Now, with the intervention of respectable persons, the matter has been compromised between the parties vide compromise deed dated 13.02.2020 (Annexure P-2), which has been duly signed by complainant-Mukesh Kumar (respondent No.2) as well as petitioner Gurpreet Singh.

Notice of motion.

On the asking of the Court, Mr. Hittan Nehra, Addl. A.G., Punjab accepts notice on behalf of respondent-State and Mr. Prabhjot Singh Bedi, Advocate, accepts notice on behalf of respondent No.2-complainant. Learned State counsel, on instructions from ASI Chand Singh, informs that the matter has been duly compromised between the parties and there is no cross version in this case. He further states that challan has not been presented so far and no body has been declared as proclaimed offender.

Learned counsel for complainant-Mukesh Kumar (respondent No.2) also states that as per compromise dated 13.02.2020 (Annexure P-2), the matter has been amicably resolved between the parties.

A perusal of the compromise deed dated 13.02.2020 (Annexure P-2) shows that the compromise has been effected voluntarily, without any pressure, coercion and with free will of the parties. They have no objection if the F.I.R. (Annexure P-1) is quashed. Photocopy of Aadhaar card of Mukesh Kumar-complainant (respondent No.2) has been attached as Annexure P-3.

Keeping in view the prevailing COVID-19 situation and the fact that the compromise has been effected between the parties vide compromise

deed dated 13.02.2020 (Annexure P-2), whereby they have decided to get the F.I.R. quashed, it is a fit case where there is no impediment in the way of the Court to exercise its inherent powers under Section 482 Cr.P.C for quashing of F.I.R in the interest of justice. Consequently, in view of the judgments passed by the Hon'ble Supreme Court in *Madan Mohan Abbot vs. State of Punjab* 2008(4) S.C.C. 582 and the law laid down by the Full Bench of this Court in the case of *Kulwinder Singh and Ors. vs. State of Punjab and another* 2007(3) RCR (Crl.) 1052, no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No. 05 dated 14.01.2020, under Sections 279/337/427 IPC, registered at Police Station, Division No.6, District Jalandhar (Annexure P-1), is quashed with all consequential proceedings arising therefrom qua the present petitioner.

Petition stands allowed accordingly.

07.09.2020
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No