

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

CRM-M-27698-2020

Date of Decision: 12.10.2020

Sandeep

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. D.P.S. Bajwa, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Mr. Gurinder Goraya, Advocate for respondents No. 2 and 3.

SANT PARKASH, J.

[The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court.]

Petitioner has approached this Court by way of instant petition under Section 482 of the Code of Criminal Procedure (for short ('Cr.P.C.)) invoking its inherent jurisdiction for quashing of FIR No. 0329 dated 29.11.2019 registered under Sections 279 and 337 of the Indian Penal Code at Police Station, Kalayat, District Kaithal and the consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion was issued.

Vide order dated 14.09.2020 passed by this Court, the parties were directed to appear before the trial Court to record their statements with regard to genuineness of the compromise and send a report to this Court. The report dated 29.09.2020 of Judicial Magistrate First Class, Kaithal has been received, wherein it is stated that in pursuance of the order of this Court, the statements of the parties were recorded which indicates that the compromise is genuine, without any coercion or undue influence.

Learned counsels appearing on behalf of both the parties admit that parties have settled their disputes. However, learned counsel for the State has objected to the compromise on the ground that Section 279 IPC is not compoundable as per the provisions laid down in Section 320 Cr.P.C. and prays for dismissal of the present petition.

The objection raised by the learned counsel for the State is unfounded, untenable and not worthy of credence because the challan has been presented in this case under Section 279 IPC as well as Sections 337/338 IPC, which are the substantive offences in a case of accident. It is a fit cases for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the parties have arrived at an out of the Court settlement by way of compromise (Annexure P-2). The compromise is without any pressure and a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

For the aforesaid view, this Court finds support from the judgment of Full Bench of this Court rendered in **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052.**

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.0329 dated 29.11.2019 registered under Sections 279 and 337 of the Indian Penal Code at Police Station, Kalayat, District Kaithal and the consequential proceedings arising therefrom are ordered to be quashed, however, qua the petitioner only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

**(SANT PARKASH)
JUDGE**

**12.10.2020
mks**

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