

CRM-M No.31384 of 2019 (O&M)
Date of Decision : 11.09.2020

Sukhpartap Singh

...Petitioner

Versus

State of Punjab and another

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Ms. Shubreet Kaur, Advocate for the petitioner.
 Mr. Saurav Khurana, DAG, Punjab.
 Mr. Sidhant Mehra, Advocate for respondent No.2/
 complainant.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.

2. With the consent of learned counsel for the parties, the case is preponed from 03.12.2020 to today and is taken up for hearing today itself.

3. Prayer in the petition under Section 482 Cr.P.C. is for quashing of FIR No.258 dated 24.11.2015, registered under Sections 307, 353, 186, 279, 337 and 427 IPC, at Police Station Jandiala Guru, District Amritsar Rural on the basis of compromise, Annexure P/2 dated 15.06.2018.

4. At the preliminary hearing, notice of motion was issued on 24.07.2019 by taking into account the fact that after investigation, cancellation of the FIR was recommended in the year 2018, but the same had not been presented in Court and in the meantime, the parties had entered into a compromise whereafter on 26.11.2019, learned State Counsel had made a submission before this Court that cancellation report had been

due course whereupon the case was adjourned to 16.03.2020.

5. Learned DAG, Punjab states that the cancellation report could not be presented in Court due to the prevailing Corona Virus Pandemic.

6. It needs noticing here that the aforementioned FIR was registered on 24.11.2015 on the basis of statement of respondent No.2 alleging that the petitioner-accused was driving car No.PB-02-AM-7363 in a rash and negligent manner at a very fast speed without blowing horn and said vehicle was damaging other vehicles coming in its way and that respondent No.2 and other officials standing on the 'naka' i.e. check-post had signaled the petitioner to stop his car but the petitioner allegedly did not stop the car, instead tried to hit the car into the complainant / respondent No.2 who saved himself by moving aside.

7. Learned counsel contends that the FIR was registered on account of misunderstanding as the brakes of the petitioner's car had failed, consequently, the car of the petitioner was uncontrollable and investigation of the case revealed that the petitioner had tried his best to stop the car and save other vehicles / persons and it was only on account of failure of the braking system of the petitioner's car that the vehicle coming from ahead got damaged, besides, admittedly no person had suffered any injury in the incident. Learned counsel further contends that when the car was taken into police possession, mechanical report was obtained which clarified the factum of brake failure.

8. Compromise (Annexure P/2) i.e. affidavit of respondent No.2 has been filed. Relevant extract of the same is reproduced as under :-

That now I have conducted the investigation of this case properly and senior officers also got conducted the investigation and I have found that there was brakes failure of vehicle No.PB02-AM-7363, white colour and due to the fast speed the vehicle became uncontrollable. That Sukhpartap Singh tried his best to stop the vehicle and to save the other persons. Due to which the vehicles standing in the way got damaged. That no fault of Sukhpartap Singh has been found in the present case, because when the vehicle was taken into police custody, then we obtained the mechanical report of the same, that the mechanic himself clarified the factum of brake failure. Report of the mechanic is attached herewith. That I am submitting this affidavit with my own consent. I don't have any pressure. That if the FIR No.258 dated 24.11.2015 got registered by me under Section 307, 353, 186, 279, 337, 338 of IPC at Police Station Jandiala, is cancelled then I have no objection to the same and nor I want to put this matter before the Hon'ble Court."

*Sd/- Sarabjit Singh H.C./316
Deponent*

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xxx

xxx"

9. Learned State Counsel on instructions from ASI Baljinder Singh states that there is no cross-case, no P.O. proceedings are pending, besides, no challan has been presented till date and that cancellation report dated 20.06.2018 could not be submitted in Court on account of the prevailing Corona Virus Pandemic.

10. Affidavit i.e. Annexure P/2 has also been filed by respondent No.2 / complainant stating that the petitioner was not at fault and the incident had taken place on account of failure of the braking system of the petitioner's vehicle. In the light of the position noted above, continuation of

Sections 307, 353, 186, 279, 337 and 427 IPC, at Police Station Jandiala Guru, District Amritsar Rural is not justified. Accordingly, the instant case is a fit case for this Court to exercise its inherent powers under Section 482 Cr.P.C. for quashing the FIR and all connected proceedings in respect thereto in the interest of justice.

11. In the circumstances, in view of the decision of Hon’ble the Supreme Court in ‘Madan Mohan Abbot versus State of Punjab’, 2008(2) RCR (Crl.) 429 as well as the law laid down by the this Court in ‘Kulwinder Singh and others versus State of Punjab and others’ 2007(3) RCR (Crl.) 1052 no useful purpose would be served by prolonging the litigation.

12. Accordingly, in the light of the position as noted above, FIR No.258 dated 24.11.2015, registered under Sections 307, 353, 186, 279, 337 and 427 IPC, at Police Station Jandiala Guru, District Amritsar Rural and all subsequent proceedings arising therefrom are *quashed* on the basis of compromise, Annexure P/2 dated 15.06.2018.

13. Petition stands ***disposed of*** in the aforementioned terms.

(B.S. Walia)
Judge

September 11, 2020

'Rajneesh-Amit'	Whether speaking/ reasoned	:	Yes/No
	Whether reportable	:	Yes/No