

JAS KARAN SINGH

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Vimal Kumar Gupta, Advocate
for the petitioner.

Mr. Sulinder Kumar, AAG, Haryana.

Mr. Sanyam Khetarpal, Advocate for
Mr. Arjun Dhingra, Advocate
for respondent No.2.

VIVEK PURI, J. (ORAL)

Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No. 128 dated 10.03.2019, under sections 279, 337 IPC, 1860 was registered at Police Station Sector-9A, District Gurugram and all the consequential proceedings arising therefrom, on the basis of compromise.

Briefly, the allegations are to the effect that on 07.03.2019, the petitioner struck the Aactiva into the cycle while driving rashly, the cycle being driven by respondent No.2 who suffered injury on her leg and face.

On 06.11.2019, notice of motion was issued and parties were directed to appear before the Trial Court/Illaq Magistrate and get their statements recorded with regard to the compromise arrived at between them.

The Trial Court was directed to record the statements of all the concerned and send his report regarding genuineness and voluntary nature of the

compromise.

In compliance of the order dated 06.11.2019, learned Judicial Magistrate 1st Class, Gurugram has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“ The statements of both the parties are bonafide and not result of any pressure or coercion.

The compromise effected between the parties is genuine and valid.

Both the accused and complainant are party to the compromise.

No other case is pending against either of the party.

The accused has not been declared P.O. in any case.

The compromise report point-wise is submitted”.

After hearing the learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that it is a fit case 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 a settlement, out of the Court, 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 ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, upheld by Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***,

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. 128 dated 10.03.2019, under sections 279, 337 IPC, 1860 was registered

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.

03.02.2020
renubala

(VIVEK PURI)
JUDGE

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