

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-10104-2021 (O&M)

Date of decision: 23.12.2021

Hardeep Singh @ Pardeep Singh

Petitioner

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. A.S. Manaise, Advocate for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. Gagandeep Singh, Advocate for respondents No.2 and 3.

AVNEESH JHINGAN, J (Oral):

Due to COVID-19 situation, the Court is convened through video conference.

CRM-42794-2021 is filed seeking preponement of date of hearing in the main petition.

Notice in the application.

Mr. Sandeep Kumar, DAG, Punjab and Mr. Gagandeep Singh, Advocate for respondents No. 2 and 3 appearing on advance notice accepts the same and submits that he has no objection to the prayer of the applicant/petitioner.

For the reasons mentioned in the application, same is allowed. The date of hearing in the main petition is postponed to today itself.

With the consent of both the parties, the main petition is taken on Board for hearing.

Main case:

This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 197, dated 08.12.2020, under Sections 279, 337, 338, 427 and 429 IPC, registered at Police Station Sadar

Gurdaspur, District Gurdaspur and all subsequent proceedings arising therefrom on the basis of compromise dated 25.02.2021.

[2] The FIR was registered at the instance of Hardeep Masih. As per the FIR, on 7.12.2020, car driven in rash and negligent manner by Hardeep Singh hit the Tonga and due to the impact, the Tonga got damaged and the horse died at the spot. The complainant and Lakhwinder Singh suffered injuries.

[3] During the pendency of trial, the parties have compromised the matter.

[4] On 4.3.2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 25.2021.

[5] The report dated 22.3.2021 is received, the relevant part is as below:

“ (i) As per statement of Investigating Officer, there is only one accused arrayed in the FIR, namely, Hardeep Singh @ Pardeep Singh. There is no other person has been nominated as accused and no any person has been declared proclaimed offender in this case.

ii) As per the statement of Investigating Officer, challan has been presented in the present case in the Court.

(iii) As per statement of Investigating Officer, there is no any cross-case etc. is pending in this case.

(iv) As the parties to the petition have appeared for recording their statements, therefore, it appears that compromise is genuine.”

[6] Full Bench of this Court in ***Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052***, has held:-

“There is no statutory bar in Cr.P.C. which affects inherent power of this Court under Section 482. The power of quashing is not limited to matrimonial cases alone.”

[7] The Supreme Court in ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others v. State of Gujarat and another, 2017***

AIR (SC) 4843 laid down the broad principles governing the exercises of powers of quashing of FIR. It was held that the power under Section 482 Cr.P.C. is to be exercised by the High Court to secure the ends of justice, to prevent abuse of any process of law and in cases where in view of the compromise the possibility of conviction is remote and continuation of proceeding will cause oppression and prejudice.

[8] The issue has been sorted out between the parties. It is a case of road side accident and there is no loss of human life. To meet the ends of justice and considering that there are bleak chances of conviction, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

[9] The petition is allowed.

[AVNEESH JHINGAN]

JUDGE

23rd December, 2021

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1. Whether speaking/ reasoned	:	Yes /No
2. Whether reportable	:	Yes /No