

268 **IN THE HIGH COURT OF PUNJAB & HARYANA**
 AT CHANDIGARH
 CRM-M-10622-2021
 Date of Decision: 11th May, 2022

Dharamveer

Petitioner

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sanjit Kumar Yadav, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Shadab Ahmad, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

[1] This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 26, dated 31st January, 2021, under Sections 279, 337, 427 of Indian Penal Code, 1860, registered at Police Station City Kharar, District SAS Nagar (Mohali) and all subsequent proceedings arising therefrom, on the basis of compromise dated 15th February, 2021.

[2] The FIR was registered at the instance of Vishal, he alleged that a truck driven by the petitioner in a rash and negligent manner hit his bicycle and he was dragged along with truck and his both feet got fractured.

[3] The parties with the intervention of respectables have compromised the matter.

[4] On 8th March, 2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with

regard to compromise dated 15th February, 2021.

[5] The report dated 10th April, 2021 is received, the relevant part is as below:

“ xxxx petitioner-accused Dharamveer has got recorded his statement to the effect that the matter has been compromised. The said compromise is without any threat, force, coercion. xxx xxx accused has not been declared proclaimed person by this court nor any PO proceedings are pending against him.”

[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 complainant was injured in road side accident. The parties have settled the dispute, there are bleak chances of conviction, no useful purpose would be served by continuing with the trial and to meet the ends of justice the FIR mentioned above and all consequential proceedings

arising therefrom are quashed.

[9] The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

11th May, 2022
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No