

266 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-9659-2019
Date of Decision: 27th May, 2022

Vikrant @ Vicky

Petitioner

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Arun Gupta, Advocate for
Mr. Sumeet Puri, Advocate for the petitioner.
Mr. Sandeep Kumar, Deputy Advocate General, Punjab.
Mr. Barjinder Singh, Advocate for
Mr. H.S.Mann, Advocate for respondent No.2.

AVNEESH JHINGAN, J (Oral):

1. This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 62, dated 15.6.2018, under Sections 279, 337, 338, 427 IPC, registered at Police Station Longowal, District Sangrur and all subsequent proceedings arising therefrom on the basis of compromise dated 12.2.2019.

2. The FIR was registered on the statement of Iman Kumar. As per the allegations on 5.6.2018, there was an accident between two motorcycles in which the complainant suffered injuries and his motorcycle was damaged.

3. Learned counsel for respondent No.2 has no objection if the FIR is quashed.

4. On 1.3.2019, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

5. The report dated 16.5.2019 is received stating that the compromise is genuine and valid and is not result of any pressure or coercion etc. in any manner. They are not declared proclaimed offenders.

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. Considering that the FIR is the result of a road side accident and now parties have bridged their differences and decided to proceed ahead rather than indulging in litigation. No useful purpose would be served by continuing with the trial. 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

27th May, 2022
anuradha

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