

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11813 of 2022

Date of Decision: 13th May, 2022

Jaswinder Kaur

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Gaurav Gupta, Advocate for the petitioner.
Ms. Geeta Sharma, DAG, Haryana.
Mr. Ankit Aggarwal, Advocate for respondent No. 2.

AVNEESH JHINGAN , J.(Oral)

This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 674 dated 10.9.2019, under Sections 279/337/427 IPC and (Section 338 IPC and Section 3/181 of the Motor Vehicles Act, 1988 added later on), registered at Police Station Mujesar, District Faridabad. and all subsequent proceedings arising therefrom on the basis of compromise dated 25.2.2022.

The FIR was at the instance of Rajesh Roshan. An accident took place on 8.9.2019 due to rash and negligent driving of car by accused- Jaswinder Kaur (petitioner). As a result of the accident, the complainant sustained injuries.

The parties with the intervention of respectables have compromised the matter.

On 4.4.2022, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

The report dated 4.5.2022 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence. Further that there is only one accused (petitioner herein) and he

has not been declared as proclaimed offender.

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.”

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.

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.

The petition is allowed.

(AVNEESH JHINGAN)
JUDGE

13th May, 2022

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Whether reasoned/speaking	Yes
Whether reportable	Yes