

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

THROUGH VIDEO CONFERENCING

CRM-M-31774-2021 (O&M)

Date of decision: 10.2.2022

Amandeep Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE KARAMJIT SINGH

Present: Mr. Harpal Singh, Advocate, for the petitioner.

Mr. B.S.Sewak, Addl. AG, Punjab.

Ms. Arpandee Kaur, Advocate, for respondent No.2.

KARAMJIT SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No.161 dated 1.12.2020 registered under Sections 279, 337, 338, 427 IPC at Police Station Tibber, District Gurdaspur on the basis of compromise dated 2.8.2021 (Annexure P-2).

The above stated FIR was registered on the statement of the complainant/respondent No.2-Sajan Masih in which he stated that on 22.11.2020, he along with his minor sons namely Javed and Metheu was going on Bajaj motorcycle bearing No.PB06-E-7782 and in the meantime, petitioner-Amandeep Singh who was riding motor cycle Passion bearing No.PB02-AK-7734 in a rash and negligent manner came from opposite direction and struck his motorcycle against the motorcycle of the complainant. Due to the said accident, the complainant and his minor children sustained injuries.

On notice of motion, respondent No.2 appeared in the Court

through his counsel and pleaded that he has no objection if the FIR in this case is quashed on the basis of the aforesaid compromise which has been effected between the parties.

During the course of preliminary hearing, the trial Court/Illaq Magistrate was directed to record the statements of the all the concerned parties with regard to genuineness and validity or otherwise of the aforesaid compromise.

In compliance thereof, report from the Court of Additional Chief Judicial Magistrate, Gurdaspur along with statements of the parties has been received, in which, it is mentioned that the compromise is genuine and there was no undue influence or coercion from any side. It is pertinent to note that even both the minor children of respondent No.2 who also sustained injuries at the time of the accident, appeared before the Court of ACJM, Gurdaspur and being found fit to make statement, their separate statements were also recorded in which they also admitted the factum of compromise and they also pleaded no objection if the present petition is allowed.

I have heard learned counsel for the parties.

Learned counsel for the petitioners and for respondent No.2 are *ad idem* that in view of the settlement effected between the parties, the present petition deserves to be accepted. It has also come on record that the aforesaid compromise is genuine and the parties effected the same without any undue influence or coercion.

Admittedly, the parties have settled the dispute, so, no purpose will be served by keeping alive the proceedings against the petitioner. In

Bench of this Court in CRM-M-54110-2018 titled Sardool Singh v. State of Punjab and another wherein also, FIR registered for offences punishable under Sections 279, 337, 338 and 427 IPC was quashed on the basis of the compromise which was entered into between the parties with the observation that as the parties have settled the dispute and decided to live in peace, therefore, no meaningful purpose would be served in allowing the criminal proceedings to continue. Moreover, Hon'ble Supreme Court in **Jitendra Raghuvanshi and others v. Babita Raghuvanshi and another;** (2013) 4 SCC 58 have held that criminal proceedings or FIR or complaint can be quashed under Section 482 Cr.P.C. in appropriate cases in order to meet the ends of justice, if the Court is satisfied that the parties have settled the dispute amicably and without any pressure.

For the reasons aforestated and having regard to the law laid down by Hon'ble Apex Court in **Gian Singh v. State of Punjab and another**, 2012 (4) RCR (Criminal) 543 and Five Judges Bench of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007(3) RCR (Criminal) 1052, this petition is allowed and FIR No.161 dated 1.12.2020 registered under Sections 279, 337, 338, 427 IPC at Police Station Tibber, District Gurdaspur and all the subsequent proceedings are hereby quashed qua the petitioner.

Needless to mention that both the parties will abide by the terms and conditions of the compromise Annexure P-2 in letter and spirit.

(KARAMJIT SINGH)
JUDGE

February 10, 2022

Paritosh Kumar