

235 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-53214-2021

Decided on: 21st February, 2022

Himanshu Sukhija

Petitioner

Versus

State of Haryana and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ashok Paul Batra, Advocate for the petitioner.
Ms. Geeta Sharma, Deputy Advocate General, Haryana.
Mr. Shiven Sharma, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

1. Due to COVID-19 situation, the Court is convened through video conference.
2. This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 0141, dated 28th March, 2021, under Sections 279 and 337 of Indian Penal Code and 338 IPC (added later on), registered at Police Station Sonipat, District Sonapat, Haryana and all subsequent proceedings arising therefrom on the basis of compromise dated 8th October, 2021.
3. The brief facts are that FIR was registered at the behest of Vijay Kumar. It was alleged that on 27th March, 2021, he alongwith his friend Shiva Kumar were riding a scooty bearing registration No. HR10AJ-3550. On the way complainant stopped, in the meantime a car bearing registration No. DLICP-6595 hit the scooty and injured were taken to Civil Hospital.

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

5. On 21st December, 2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 8th October, 2021.

6. The report dated 11th January, 2022 is received, the relevant part is as below:

“ 2. None of the accused has been declared proclaimed offender.

3. The compromise arrived at among the complainant, victim-cum-injured, injured persons and accused is genuine, voluntary and without any coercion or undue influence.”

7. 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.”

8. 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.

9. It is a case of road side accident, parties have compromised the matter, they don't want to litigate further rather live peacefully. There is bleak chances of conviction and to meet the ends of justice, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.
10. The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

21st February, 2022
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes /No
2. Whether reportable

:

Yes /No