

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

239

CRM-M-1063-2022

Date of Decision: 17.02.2023

Arjan Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr.Sohrab Dhanda, Advocate for
Mr.Amandeep Singh Manaise, Advocate
for the petitioner.

Mr. P.S. Grewal, DAG, Punjab.

Mr. Sukhdeep Singh, Advocate for
Mr. Gagandeep Singh, Advocate
for the respondents No. 2 to 6.

DEEPAK MANCHANDA J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. praying for the quashing of FIR No.98 dated 30.11.2021 Annexure P-1 registered under Sections 304-A, 427 of IPC at Police Station Behrampur, District Gurdaspur and all subsequent proceedings arising therefrom, on the basis of compromise dated 31.12.2021 (Annexure P-2).

Allegations in the FIR are that on 30.11.2021, the present petitioner hit his tractor in the motorcycle of the deceased i.e., devar of the complainant and drove the front tyre of his tractor over his head on account of which he died.

Mr.Sukhdeep Singh, Advocate for Mr. Gagandeep Singh, Advocate has put in appearance on behalf of complainant/respondent No.2 and respondents No.3 to 6 and admitted the factum of compromise. This Court on 01.02.2022 after issuing notice of motion had directed the private parties to appear before the trial Court/Illaq Magistrate on 07.03.2022 to

get recorded their statements and trial court would satisfy itself about the authenticity of the compromise and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its report to this Court, before the next date of hearing.

In compliance of the order dated 01.02.2022, the statements of the parties have been recorded and the learned Principal Magistrate Juvenile Justice Board, Gurdaspur bearing letter No.146 dated 10.03.2022 has sent the report and the relevant portion whereof is reproduced here-in-below:-

“ It is submitted that on 07.03.2022, parties have appeared and recorded their statements qua the factum of compromise.

It is further submitted that in view of the statements recorded by both the parties, this Board is satisfied that the compromise effected between the parties is genuine, voluntary and out of free will.

It is further submitted that as per statement of investigating officer, no PO proceedings are pending against any of the parties nor any accused has been declared proclaimed offender.”

In compliance with the order dated 01.02.2022 respondent No. 1-State has filed reply dated 26.03.2023, which is already on record, wherein it is sated that the matter is at the stage of investigation.

A perusal of the said report would show that statements of the concerned persons have been recorded in this case and the petitioner has not been declared proclaimed offender. Further, it is stated that the matter has been compromised and complainant/respondent No. 2 as well as respondents No.3 to 6 have have no objection in case the FIR in question is quashed. They have further stated that the said compromise is genuine, voluntary, and without any coercion or undue influence.

To support his contentions, the learned counsel for the petitioner has placed reliance upon the judgments passed by Co-ordinate Bench of this

Court in case CRM-M-41803-2021 titled as **Ashok Kumar @ Shoka Vs. State of Punjab and others**, CRM-M-21294-2019 titled as **Manjit Kumar @ Jeetu Vs. State of Punjab and another**, CRM-M-34961-2021 titled as **Satnam Singh Vs. State of Punjab and another**, CRM-M-25809-2013 titled as **Tilak Raj and others Vs. State of Punjab and others**, CRM-M-33361-2010 *titled as Gurpreet Singh VS. State of Punjab and another*, CRM-M-20441-2008 titled as **Anil Kumar Vs. State of Punjab and another** and CRM-M-30824-2000 titled as **Bhupinder Kaur Vs. State of Punjab and another**.

Having heard the learned counsel for the parties and after perusing the report submitted by the trial Court, this Court finds that the matter has been amicably settled between the petitioner and the complainant, where the case is at the stage of investigation and by the passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably. Therefore to prevent the abuse of the process of law and to secure the ends of justice, the criminal proceedings deserves to be quashed, under section 482 of Cr. P.C., which has the magnitude of the inherent jurisdiction of the High Court under it and this Court has inherent power under Section 482 of Cr.P.C. to quash an F.I.R. even when the offences are non-compoundable, with the driving force being the object of securing ends of justice.

For the aforesaid view, this Court finds support from ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, upheld by Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***. Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons

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aforementioned and to secure the ends of justice, FIR No. 98 dated 30.11.2021 under Sections 304-A and 427 of IPC registered at Police Station Behrampur, District Gurdaspur and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

(DEEPAK MANCHANDA)
JUDGE

17.02.2023
sapna/Manisha

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No