

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

(293)

CRM-M-1357-2023

Date of Decision: 09.03.2023

Jagpal Singh @ Jaggi

...Petitioner

Versus

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rajesh Bhatheja, Advocate, for the petitioners.

Mr. Amit Shukla, AAG, Punjab.

Mr. Sandeep Sharma, AAG, Punjab.

HARKESH MANUJA, J.(ORAL)

By way of present petition filed under Section 482 Cr.P.C., petitioner prays for quashing of FIR No.58 dated 02.04.2019, registered under Sections 304-A, 279 IPC at Police Station City South Moga, District Moga (Annexure P-1) along with all consequential proceedings arising out of the same on the basis of compromise dated 21.12.2022 (Annexure P-2).

2. In the present case, petitioner has been negligently driving his tractor and ran over the rear tyre of trolley on the daughter of the complainant's sister who died at the spot, resulting into registration of the present FIR.

3. In pursuance to an order dated 11.01.2023 passed by this Court, whereby the parties were directed to appear before the trial Court for getting their statements recorded as regards, the veracity of compromise arrived at between them, report dated 31.01.2023 has been received from the concerned court, stating that the compromise in the present case is valid, genuine, voluntary and without any coercion or under influence. There is no other

accused except the present petitioner and there are two respondents/complainant namely, Rajinder Singh and Daljit Kaur. No accused has been declared as proclaimed offender. The stage of trial was fixed for evidence of prosecution.

4. Learned counsel for the petitioner submits that once, the compromise has been arrived at between the parties without any pressure and respondent No.2 and 3 have no objection as regards quashing of FIR as well as other subsequent proceedings arising out of the same against the petitioner, the dispute being purely personal in nature, there does not appear to be any impediment as regards quashing of present FIR. He further submits that in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the FIR on the basis of compromise entered into between the parties.

5. On the other hand learned State counsel submits that petitioner has committed negligence in driving of tractor trolley and responsible for a death of minor child.

6. Having heard learned counsel for the parties, they having settled their dispute so as to live peacefully in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the trial Court to invest further time and effort in adjudicating this FIR. The compromise in question is found to be fully in consonance with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543, Suraj Kumar Vs. State of Punjab and others passed in CRM-M-12202-2021 as well as Ashok***

Kumar @ Shoka Vs. State of Punjab and others, passed in CRM-M-41803 of 2021.

7. Thus in view of the aforesaid report, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgment, FIR No.58 dated **02.04.2019**, registered under Sections **304-A, 279** IPC at Police Station **City South Moga, District Moga** (Annexure P-1) as well as all the subsequent proceedings arising therefrom are hereby quashed.

8. The aforesaid order shall however, be subject to payment of compensation of Rs.25,000/- to the family of complainant/respondent No.2 within a period of two weeks from today.

Petition stands disposed of

(HARKESH MANUJA)
JUDGE

09.03.2023
anil

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