

**125 1N THE HIGH 104COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM M-6989-2023 (O&M)
Date of Decision: 27.07.2023**

Amolpreet Singh Mahi

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHUPresent: Mr. Hardik Ahluwalia, Advocate
for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab.

Mr. Nigam Bhardwaj, Advocate,
for respondents No.2 & 3.**MAHABIR SINGH SINDHU. J.**

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.24 dated 11.02.2020 under Sections 279, 337 & 427 of the Indian Penal Code, 1860 (for short, '*the IPC*') at Police Station Sirhind, District Fatehgarh Sahib(**P-1**) along with all consequential proceedings arising therefrom on the basis of compromise dated 18.11.2022 (**P-2**), entered into between the parties i.e. petitioner as well as respondents No.2& 3.

2. Allegations in brief are that on 10.02.2020, petitioner was driving Swift car bearing registration No. PB-08-CY-1559 in a rash and negligent manner and as a result, hit Alto Car bearing registration No. PB-10-CX-8763. The occupants of latter car suffered injuries and were admitted to government hospital for treatment.

3. The Co-ordinate Bench, while issuing notice of motion on 09.02.2023, directed the parties in the following manner:-

“In the meantime, the parties are directed to appear before the Illaqa Magistrate/trial Court within a period of two weeks from today, for recording of their statements with regard to the compromise.

The trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

- (i) Number of persons arrayed as accused in the FIR;*
- (ii) Whether any accused is declared as proclaimed offender?*
- (iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- (iv) Whether the accused persons are involved in any other FIR or not?”*

4. In terms of aforesaid order, the statements of both the parties were recorded by learned Additional Chief Judicial Magistrate, Fatehgarh Sahib and submitted a report dated 05.06.2023. The operative part of the same reads as under:-

“As per the statement of both the parties, the compromise is genuine, voluntary and without any coercion or undue influence.”

5. A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence. Even before this Court also, there is no objection by either of the parties against the compromise.

6. Learned State Counsel, on instructions from the police official present in the Court, also submitted that they have no objection in case the aforesaid FIR as well as consequential proceedings are quashed on the basis of the compromise effected between the parties.

7. In view of the above, quashing of the FIR in question along with consequential proceedings, on the basis of compromise would bring peace and harmony to secure the ends of justice.

8. Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioner. However, as a deterrence for the future, petitioner is burdened with costs of Rs. 10,000/-. Costs be deposited with Punjab and Haryana High Court Bar Association, Chandigarh Lawyers Family Welfare Fund.

27.07.2023
SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No