

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(274)

CRM-M-9886-2023

Date of Decision: 13.04.2023

Kush Prashar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Lovleen Nanda, Advocate, for the petitioner.

Mr. V. K. Gupta, AAG, Punjab.

Mr. G. S. Salana, Advocate, for respondents No.2 & 3.

HARKESH MANUJA, J.(ORAL)

By way of present petition filed under Section 482 Cr.P.C., petitioner prays for quashing of FIR No.116 dated 13.11.2019, registered under Sections 283, 337, 427 (338 IPC added later on) IPC at Police Station Banur, District Patiala (Annexure P-1) along with all consequential proceedings arising out of the same on the basis of compromise dated 17.11.2022 (Annexure P-2).

2. Though, the FIR was registered at the instance of respondent No.2, however, the respondent No.3 being an aggrieved person has also been impleaded as a party.

In the present case, complainant was driving his motorcycle and met with an accident with truck which was wrongly parked by the petitioner and on account of the same, he suffered grievous injuries resulting into registration of the present FIR.

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 22.03.2023 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 the respondents/complainant namely, Kuldeep Singh and Charanjit Singh. 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 & 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 due to negligent parking of the truck of the petitioner, complainant received and suffered grievous injuries.

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

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.*

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, the instance petition is allowed and FIR No.116 dated 13.11.2019, registered under Sections 283, 337, 427 (338 IPC added later on) IPC at Police Station Banur, District Patiala (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 costs of Rs.5,000/- to be deposited with the Punjab and Haryana High Court Association Lawyer’s Family Welfare Fund having Account No.41564846387 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from today.

(HARKESH MANUJA)
JUDGE

13.04.2023
anil

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