

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

CRM-M-10130-2020

Date of decision: 26.04.2023

NISHA CHAWLA

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. L.M.Gulati, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Ashwani Katter, Advocate for
Ms. Jasneet Mehra, Advocate for respondent No.2.

VIVEK PURI,J. (ORAL)

1. Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.26 dated 28.01.2020, under Sections 279/337/338/427 IPC, registered at Police Station Ranjit Avenue, Amritsar, District Amritsar and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 10.10.2022, parties were directed to appear before the Trial Court/Illaq Magistrate and get their statements recorded with regard to the compromise arrived at between them.
3. The trial Court was directed to record the statements of all the concerned and send its report regarding genuineness and voluntary nature of the compromise.
4. In compliance of the order dated 10.10.2022, learned Chief Judicial Magistrate, Amritsar has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

arraigned in the FIR. She has appeared in the Court and has got recorded her statement regarding compromise.

ii. That as per the statement of Investigating Officer only one accused namely Nisha Chawla is involved in the present FIR and she has not been absconding or declared as proclaimed offender.

iii. That as per the statement of Investigating Officer only one complainant/injured namely Rahulpreet Singh is in the present FIR. He has appeared in the Court and has got recorded his statement in support of the compromise.

iv. That the case is still at investigation stage and challan has not been presented in this case.

v. That from the statements of the complainant and the accuse, I am satisfied that compromise between the parties genuine and valid, and without any coercion or undue influence from any corner and is not the result of any fraud or misrepresentation.

vi. That as per the statement of Investigating Officer no other criminal case is pending against the accused except the present FIR.”

5. Learned counsel for the petitioner contends that briefly, the FIR has been registered on the basis of the statement of respondent No.2 alleging that the petitioner was driving a car bearing registration No.PB-02-CF-2609 and in a rash and negligent manner stuck with the two wheeler being driven by respondent No.2. The dispute has been amicably settled between the parties in terms of compromise dated 18.02.2020 (Annexure P-2). Respondent No.2 has not suffered any permanent disability. The petitioner is lady and an amicable settlement will help in maintaining cordial relations between them in future.

6. Learned counsel for respondent No.2 states that he has no objection if FIR is quashed.

7. After hearing the learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as

to secure the ends of justice because the parties have arrived at a settlement, out of the Court, by way of compromise. The compromise is without any pressure and a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

8. The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the private dispute has been sought to be amicably settled. Consequently, a deserving case is made out where the court should exercise the power to secure the ends of justice.

9. 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***.

10. Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No. 26 dated 28.01.2020, under Sections 279/337/338/427 IPC, registered at Police Station Ranjit Avenue, Amritsar, District Amritsar and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

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

26.04.2023
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(VIVEK PURI)
JUDGE

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