

**124 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM M-19027-2023****Date of Decision: 05.09.2023**

Harjinder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHUPresent: Mr. Naresh Kumar Manchanda, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

Mr. Sachin Kalia, Advocate
for respondent No.2.**MAHABIR SINGH SINDHU. J.**

The petitioner has filed the present petition seeking quashing of FIR No.19 dated 30.03.2019 under Sections 279, 337, 338, 427 IPC registered at Police Station Sadar Moga, District Moga and all consequential proceedings arising therefrom on the basis of the compromise dated 11.04.2023 (Annexure P-2).

2. The FIR was lodged on the statement of the complainant-Wazir Chand that on 29.03.2019, the petitioner was driving white Swift car with fast speed and when he tried to stop him, he hit the Government vehicle, due which complainant received injuries.

3. The Co-ordinate Bench, while issuing notice of motion, on 19.04.2023, passed the following order:-

“The petitioner has filed the present petition seeking quashing of FIR No.19 dated 30.03.2019 under Sections 279, 337, 338, 427 IPC registered at Police Station Sadar Moga, District Moga and all consequential proceedings arising therefrom on the basis of the

compromise dated 11.04.2023 (Annexure P-2).

Learned counsel for the petitioner has submitted that the parties have compromised the matter and as such, the present FIR is liable to be quashed.

Notice of motion.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab, accepts notice on behalf of respondent No.1 and Mr. Sachin Kalia, Advocate, accepts notice on behalf of respondent No.2.

Learned counsel for respondent No.2 has endorsed the contention raised by learned counsel for the petitioner and has not denied the factum of compromise effected between the parties.

Adjourned to 17.08.2023.

Let the State file status report.

In the meanwhile, both the parties are directed to appear before the concerned Illaqa/Duty Magistrate on 17.05.2023 for recording their statements, who shall record their respective statements with regard to the genuineness/correctness of the compromise and that the compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties. It shall also be verified that besides the accused (petitioner) mentioned in the petition, there is no other accused in the FIR and the parties are not involved or declared proclaimed offender in any other criminal case.

The Illaqa/Duty Magistrate shall send his/her report through learned Sessions Judge concerned on or before the date fixed before this Court.”

4. In terms of aforesaid order, the statements of both the parties were recorded by learned Addl. Chief Judicial Magistrate, Moga, and submitted a report dated 09.05.2023. The operative part of the same reads as under:-

“As per the statements of parties, compromise effected between them is genuine and is not the result of any fraud or misrepresentation and same is the result of free Will of the parties. ”

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 ASI Veerpal Kaur 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 above, this Court is fully convinced that alleged offence(s) are entirely personal in nature and do not affect any public peace or tranquility. Thus, 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 petitioners. However, as a deterrence for the future, petitioners are burdened with costs of Rs. 10,000/-. Costs be deposited with Punjab and Haryana High Court Bar Association, Chandigarh Lawyers Family Welfare Fund.

05.09.2023
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(MAHABIR SINGH SINDHU)
JUDGE

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