

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

CRM-M-22238-2022

Date of Decision: 20.12.2023

Harjinder Kumar

.....Petitioner

Versus

State of Haryana and anr.

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Naveen Batra, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

None for respondent No.2.

PANKAJ JAIN, J. (ORAL)

Prayer in the petition is for quashing of FIR No.93 dated 04.05.2022, under Sections 279, 338 of IPC registered at Police Station Raipur Rani, District Panchkula.

Reply by way of affidavit of Surender Singh, HPS, Assistant Commissioner of Police, Zone-III, Panchkula on behalf of respondent-State dated 14.12.2023, is taken on record.

As per the report of Registry, notice issued to respondent No.2 has been received back served yet he has opted not to appear before the Court.

Learned counsel for the petitioner has relied upon the statement made after the accident with respect to the fact that the parties have settled the matter before the Police Authorities.

Learned State counsel submits that yet the FIR was registered, though punishable under Section 338 of IPC, is compoundable and offence under Section 279 of IPC is not compoundable.

Keeping in view the fact that it was an accident and as per the statement recorded by the respondent No.2-complainant himself the same was not on account of mistake of any of the parties and the parties have settled the matter at the time of accident only and the conduct of the respondent No.2 of not appearing despite notice is good and finds that the respondent No.2 has no objection in quashing the FIR, the petition is allowed and FIR No.93 dated 04.05.2022, under Sections 279, 338 of IPC registered at Police Station Raipur Rani, District Panchkula is quashed qua the petitioner.

(PANKAJ JAIN)
JUDGE

20th December, 2023
spn

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