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

CRM-M-24868-2023 (O&M)

Date of decision :18.07.2023

Naveen Kumar and another

... Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Harshit Joon, Advocate, for the petitioners.

Mr. Kiran Pal Singh, Assistant Advocate General, Haryana.

Mr. Robin Gill, Advocate, for respondent no.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.234 dated 22.05.2022 (**P-1**), under Sections 109, 279, 323, 336, 34, 427 of the Indian Penal Code (Section 185 of the Motor Vehicle Act added later on), registered at Police Station, Sector-5, Panchkula along with all consequential proceedings arising therefrom on the basis of compromise dated 08.05.2023 (**P-2**), entered into between the parties i.e. petitioner as well as respondent No.2.

2. The case of the prosecution is that petitioners Naveen Kumar and Vipin Kumar Chopra has caused damage to the car of complainant-Sanjay Kumar. Besides this, petitioner Naveen Kumar quarreled with the complainant and also misbehaved with him.

3. The Co-ordinate Bench, while issuing notice of motion on the previous date of hearing i.e. 16.05.2023, passed the following order:-

“This is a petition under Section 482 Cr.P.C. for quashing of FIR No.234, dated 22.05.2022 (Annexure P-1), under Sections 109, 279, 323, 336, 34, 427 of the IPC (Section 185 of Motor Vehicle

Act added later on), registered at Police Station Sector 5, Panchkula, with all subsequent proceedings arising therefrom, on the basis of compromise dated 08.05.2023 (Annexure P-2).

Notice of motion.

On the asking of the Court, Mr. Gagandeep Singh Chhina, AAG, Haryana, accepts notice on behalf of respondent No.1-State.

Mr. Robin Gill, Advocate has put in appearance on behalf of respondent No.2 and has filed Vakalatnama. He admits the factum of compromise entered into between the parties.

List on 18.07.2023.

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 Chief Judicial Magistrate, Panchkula and submitted a report dated 29.05.2023. The operative part of the same reads as under:-

"From the statements of the parties, it appears that they have genuinely compromised the matter, and the compromise is result of their free will and violation. Further from the statement of the parties it is clear that no proclamation proceedings are pending against Naveen Kumar and Vipin Kumar Chopra....."

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

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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 above, this Court is fully convinced that the offence is entirely personal in nature and do not affect any public peace or tranquillity. 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 petitioner, subject to costs of Rs. 10,000/-. Costs be deposited with Advocates Welfare Fund, Punjab and Haryana High Court Bar Association, Chandigarh.

18.07.2023

vs

**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking/ reasoned : Yes/No

Whether reportable : Yes/No