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

**CRM-M-29787-2023 (O&M)
Date of Decision: 01.09.2023**

AMIT KUMAR

.. Petitioner

Vs.

STATE OF PUNJAB AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Dinesh Kumar, Advocate for
Mr. Piyush Setia, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Shubham Goyal, Advocate
for respondent No.2.

...

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0081 dated 11.06.2020 (P-1), under Sections 279 and 427 of the Indian Penal Code, 1860, registered at Police Station Sadar Abohar, District Fazilka along with all consequential proceedings arising therefrom on the basis of compromise dated 20.07.2022 (P-2), entered into between the parties, at their own level, i.e. petitioner as well as respondent No.2.

2. Allegations in brief are that on 05.06.2020, petitioner was driving trailer trolley bearing registration No.HR-38W-6169 in a rash and negligent manner and as a result, hit Chevrolet Cruze bearing registration No. PB-22J-0035.

3. It transpires that on 03.07.2023, parties were directed to appear before learned trial Court/Illaq Magistrate for recording their statements

with regard to the compromise/settlement and the order in main case reads as under:-

“Contends, inter alia, that matter has been compromised between the parties.

(2) Notice of motion.

(3) On asking of the Court, Mr. Adhiraj Singh, AAG, Punjab accepts notice on behalf of respondent No.1/State.

(4) Mr. Shubham Goyal, Advocate, who is present in the Court, has filed power of attorney on behalf of respondent No.2. The same is taken on record. He acknowledged the factum of compromise dated 20.07.2022 (P-2) arrived at between the parties at their own level.

(5) Requisite number of copies of the petition be supplied to learned Counsel for the respondents during the course of day.

(6) Petitioner shall file his affidavit that there is no other criminal case(s) pending against him and also give the details of any other FIR(s), already quashed on the basis of compromise.

(7) In view of the above, let parties appear before the Court of learned Illaqa Magistrate/trial Court on 25.07.2023 for recording their statement(s) with reference to the compromise, if any, entered into between them.

(8) Learned Illaqa Magistrate/trial Court shall record the statement(s) of all accused, complainant/injured and victim, if any, and submit a report to this Court before the next date of hearing containing the following information:-

(i). Whether the statements of the parties are bona fide and not result of any pressure or coercion etc. in any manner?

(ii). Whether the compromise effected between the parties is genuine and valid?

(iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s)?

(iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof?

(v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender?

(vi). Whether any of the petitioner(s) is/are previous convict or not?

(9) List before this Court on 16.08.2023 for further consideration.

(10) Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection?

(11) Copy of this order be sent to learned Judicial Officer concerned forthwith for information and strict compliance.”

4.

In pursuance of the aforesaid order, a report from learned

Judicial Magistrate 1st Class, Abohar was received vide Memo No.620 dated 04.08.2023 and the operative part of the same reads as under:

“i. It is submitted that in view of the statements got recorded by both the parties, this court is satisfied that the compromise effected between them is genuine and not a result of any pressure or coercion etc.

ii. It is submitted that in view of the statements got recorded by both the parties, this court is satisfied that the compromise effected between them is genuine and valid.

iii. It is further submitted that as per the record, accused and complainant are party to the compromise.

iv. It is further submitted that as per statement of IO, there is no other case is pending against any of the party.

v. It is further submitted that as per statement of IO, none of the person/accused have been declared proclaimed offender in this case.

vi. It is further submitted that as per statement of Investigating Officer, petitioner of present case has not been previously convicted.”

5. A perusal of the aforesaid report clearly reveals that the matter has been amicably settled by the parties at their own level. Further reveals that the compromise is genuine, voluntary & without any coercion or undue influence and the petitioner has not been declared as proclaimed offender. Also transpires that petitioner is the only accused in this case. Before this Court also, there is no objection by either of the parties against each others.

6. Learned State Counsel, on instructions from ASI Bhagwan Singh, 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 the above, 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

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petitioner, subject to costs of Rs.10,000/-. Costs be deposited with Punjab and Haryana High Court Bar Association, Chandigarh Lawyers Family Welfare Fund.

9. Pending application(s), if any shall also stand disposed off.

01.09.2023
Jasmine Kaur

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No