

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

**CRM-M No.31805 of 2023 (O&M)
Date of decision: 05.10.2023**

Sanjay Silag

... Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sunil Saharan, Advocate, for the petitioner.

Mr. Ashok S. Chaudhry, Addl. A.G., Haryana
for respondent No.1.

Mr. S.K.Verma, 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.71 dated 01.03.2019 (P-1), under Sections 279, 337 of the Indian Penal Code, 1860 (Sections 338 & 427, IPC added later on), registered at Police Station Hisar City, District Hisar on the basis of compromise dated 01.06.2023 (P-2), entered into between the parties i.e. petitioner as well as respondent No.2.

(2) Above FIR was registered on the basis of statement made by respondent No.2-Ombir with the allegations that on 27.02.2019 at about 03:30 PM, he was going to Guru Jambheshwar University for some work on

his motorcycle. When he took a turn to the University side, a Car, which was being driven by the petitioner in a rash and negligent manner, hit the motorcycle of complainant. Due to which, complainant fell down on the road and suffered injuries. After the accident, petitioner fled away from the spot along with his Car.

(3) This Court, while issuing notice of motion on 06.07.2023, passed the following order:-

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

(2) Notice of motion.

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

(4) Mr. S.K.Verma, 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 01.06.2023 (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) Petitioners shall file their respective affidavits that there is no other criminal case(s) pending against them 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 **28.07.2023** 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 28.08.2023 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 terms of aforesaid order, the statements of both the parties were recorded by learned Judicial Magistrate First Class, Hisar and submitted a report dated 29.07.2023 The operative part of the same reads as under:-

“5. In pursuance of the order of Hon'ble High Court dated 06.07.2023, it is humbly submitted that the compromise arrived at between the parties appears to be voluntary and without any pressure. The case was pending for prosecution evidence and as per the statement of accused and the investigating officer, no other case is pending against the accused and he has not been declared as proclaimed offender. Statement of both the parties and investigating officer in original alongwith the Order is being forwarded as desired by Hon'ble High Court of Punjab and Haryana for kind perusal and necessary action, please. Copy of this report and Photostat copies of statements of both the parties be retained for the purpose of record. The papers be tagged with main case.”

(5) A perusal of the aforesaid report clearly reveals that matter has been compromised by the parties with their free consent, voluntarily and without any coercion or undue influence. Also reveals that no one has been declared as proclaimed offender. Even before this Court also, there is no objection by either side against each other.

(6) Learned State Counsel, on instructions from S.I. Manoj, acknowledged the above factual position. Also submitted that they have no objection in case the aforesaid FIR as well as consequential proceedings are quashed on the basis of compromise effected between the parties.

- (7) Learned Counsel for respondent No.2 also raised no objection to the present petition.
- (8) 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.
- (9) Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioner. However, as a deterrence for the future, petitioner is burdened with costs of Rs.5000/-. Costs be deposited with Punjab and Haryana High Court Bar Association, Chandigarh Lawyers Family Welfare Fund.
- (10) Pending application(s), if any, shall also stand disposed off.

October 5th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>