

CRM-M-34259-2023

-1-

241

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34259-2023

Date of decision:-25.08.2023

Rajesh Sharma

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.Rakesh Dhiman, Advocate for
Mr.Balraj Gujjar Advocate
for the petitioner.

Mr.R.S. Chauhan, AAG, Haryana.

Mr.Anubhav Siwach, Advocate
for respondents No.2 and 3.

SUVIR SEHGAL, J.(ORAL)

1. Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.173 dated 07.10.2018, under Sections 279, 337, 338 IPC, registered with Police Station Partapnagar (Khijrabad), District Yamunanagar, Annexure P1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 05.07.2023, Annexure P2, arrived at between the parties.

2. Counsel for the petitioner submits that the FIR is an outcome of a minor vehicular accident and has been amicably settled between the parties.

241

3. Counsel for the respondents No.2 and 3 has admitted the factum of compromise.

4. Heard counsel for the parties.

5. Pursuant to order dated 18.07.2023 passed by this Court, report has been received from the Trial Court, relevant extract of which is as under:-

“4. It is humbly submitted that in view of statement of complainant Gulshan Kumar, injured Rameshwar Dass and that of accused Rajesh Sharma, compromise seems valid, genuine, voluntary and out of the free will of the parties.

5. It is further respectfully submitted that in view of reply filed by the prosecution dated 08.08.2023 and in view of statement of HC, Sukhwinder, Belt No.354, P.S. Partap Nagar, District Yamuna Nagar, Investigating Officer, that except the present FIR, no other criminal case is pending against the accused Rajesh Sharma.

6. Hence, keeping in view the statements of the parties, duly identified by their respective learned counsels, it appears that the parties have entered into a compromise and the said compromise has been arrived at between the parties without any kind of pressure, coercion, undue influence and out of their own free will. As such, compromise in question is found to be a valid/genuine compromise and has been effected between the parties without there being any kind of influence or coercion or undue influence.”

6. In view of this development, report of the Trial Court and

241

judgment of the Supreme Court in *Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543* and a Full Bench of this Court in *Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, this Court is of the view that keeping the criminal proceedings alive would not serve any purpose and setting them aside would enable the parties to lead a harmonious and peaceful life.

7. Accordingly, the petition is allowed. FIR No.173 dated 07.10.2018, under Sections 279, 337, 338 IPC, registered with Police Station Partapnagar (Khijrabad), District Yamunanagar, Annexure P1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

25.08.2023
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No