

CRM-M-40926-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(333)

CRM-M-40926-2023

Date of Decision:- 06.11.2023

Sahilpreet Singh

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sarbjit Singh, Advocate for the petitioner.

Mr. Anup Singh, DAG, Punjab
for State-respondent No.1.

Mr. Gursahib Singh Hundal, Advocate for
Mr. G.S.Thind, Advocate for the respondent No.2.

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.109 dated 16.04.2023, registered for offences under Sections 279, 337, 338 and 427 of the Indian Penal Code, 1860, at Police Station B Division, District Amritsar, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise and affidavit dated 31.07.2023, Annexures P-2 and P-3, respectively, arrived at between the parties.

2. Counsel for the petitioner submits that FIR is a fallout of a vehicular accident in which the complainant-respondent No.2 has sustained injuries. He submits that the dispute has been amicably settled by compromise, Annexure P-2 and the parties have recorded their statements in support thereof.

3. Counsel representing complainant-respondent No.2 submits that he does not have any objection in case the criminal proceedings are set aside.

4. Pursuant to order dated 21.08.2023 passed by this Court, report has been received from the Judicial Magistrate, relevant extract of which is as under:-

“i) As per the statement of complainant and IO, there was only one accused namely Sahilpreet Singh arrayed as accused in the present FIR and he has not (sic been) declared proclaimed offender in the present FIR.

ii) As per the statement of complainant and IO, Balwinder Kaur is the only aggrieved/injured person in the present FIR and she has appeared and made her statement.

iii) As per the statement of IO, the present case is under the investigation.

iv) From the aforesaid statements of the effected parties, it apparently appears that the parties have voluntarily entered into the compromise between themselves and have settled the matter amicably. Compromise is genuine, without any kindly (sic kind) of undue influence or pressure and out of free will of the parties.

v) Further, as per statement of IO, except the above said FIR, present accused is not involved in any other case and no any other criminal case is pending against the said accused.”

5. Heard counsel for the parties.
6. In view of the report given by the learned Magistrate and the 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.109 dated 16.04.2023, registered for offences under Sections 279, 337, 338 and 427 of the Indian Penal Code, 1860, at Police Station B Division, District Amritsar, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

06.11.2023
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No