

269 IN THE HIGH COURT OF PUNJAB AND HARYANA  
CHANDIGARH

CRM-M-50914-2023 (O&M)  
Date of Decision: 18.12.2023

TEJBIR

...Petitioner

V/S

STATE OF HARYANA AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Arun Chander Sharma, Advocate  
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Narender Kumar Sharma, Advocate for  
Mr. Ajit Singh, Advocate for respondents No. 2 and 3.

\*\*\*\*

**HARPREET SINGH BRAR J. (Oral)**

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 183 dated 05.08.2023, registered under Sections 279 and 337 of Indian Penal Code at Police Station Munak District Karnal and all subsequent proceedings arising therefrom in view of the compromise dated 24.09.2023 (Annexure P-2).

2. The FIR has been registered on the statement of complainant-Nirmala-respondent No. 2 on the allegations that his husband namely Ramphal-respondent No. 3 used to serve water for drinking to people and used to come and go at Gogamedi nearby Kaimla Adda and on 20.05.2023 in the morning at around 10 AM, when complainant's husband was going to Gogamedi on his motorcycle bearing registration No. HR-40-E7501 bajaj platinum, at Kaimla Chowk, one motorcycle bearing registration No. HR-06-L-9175, coming from the side of village Bal Rajputan came in rash

and negligent manner collided with complainant's husband's motorcycle, upon which her husband fell down on the road and in the said accident, he received severe head injury and was taken to Dua Hospital, Karnal for treatment. Husband of the complainant has not regained consciousness and therefore, the present FIR has been registered by her wife-complainant-respondent No. 2. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

3. Learned counsel for the petitioner submits that statement of the respondent No. 3-injured could not be recorded as he is undergoing treatment at a Hospital but statement of complainant-who is injured's wife has been recorded in support of the compromise.

4. Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court/Illaq Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report has been received from Judicial Magistrate Ist Class, Assandh stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

5. Learned Assistant Advocate General, Haryana on instructions from the Investigating Officer along with learned counsel for respondent Nos. 2 and 3 admitted the factum of compromise and submit that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR, in view of the law laid down by the Hon'ble Supreme Court.

6. I have heard learned counsel for the parties and have gone

through the record with their able assistance.

7. The parties have arrived at a compromise and settled their dispute. A compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak. A two Judge Bench of the Hon'ble Supreme Court in ***Shakunta Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63***, speaking through Justice V.R. Krishna Iyer, has held as under:-

*“4. ....The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship or reunion.....”*

8. Consequently, keeping in view the report submitted by learned Judicial Magistrate Ist Class, Asandh and in view of the fact that statement of the injured's wife-complainant has been recorded in support of the compromise and injured's statement could not be recorded as he is undergoing treatment at a Hospital and that the dispute has been amicably settled between parties and in view of the law laid down by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466** and **Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834** and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052**, this petition is allowed and FIR No. 183 dated 05.08.2023, registered under Sections 279 and 337 of Indian Penal Code at Police

Station Munak District Karnal and all subsequent proceedings arising out of the same are quashed qua the petitioner only.

18.12.2023  
*Ajay Goswami*

(HARPREET SINGH BRAR)  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |