

CRM-M-57202-2022

2023:PHHC:050490

1

251 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-57202-2022

Date of Decision: 12.04.2023

ASHOK KUMAR

...Petitioner

Versus

STATE OF HARYANA AND ORS.

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Manoj Tanwar, Advocate

for the petitioner.

Mr. Karan Garg, AAG Haryana.

Mr. Aruz Khan, Advocate for
respondent Nos. 2 and 3.

DEEPAK MANCHANDA J. (ORAL)

Through instant petition, the petitioners are seeking quashing of the FIR No.388 dated 08.12.2016 registered under Sections 279, 337, 304-A of Indian Penal Code registered at Police Station Sadar Kanina, District Mahendergarh Haryana (Annexure P/1) and all the consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

Allegations in the FIR are that on 07.12.2016, the complainant along with his wife and two children went to village Pali to attend a marriage function in Bolero Car which was being driven by the present petitioner. Along with them there were some other persons also in the said car. At about 12:00-12:15 in the night, when they were crossing the canal, the car hit the divider and fell into the canal. In this incident, two minor children namely Yash and Yogita who were co-passengers in the car died.

Mr. Aruz Khan, Advocate for respondents No. 2 and 3 has put in

CRM-M-57202-2022

appearance and admitted the factum of compromise. This Court on 21.12.2022 had issued notice of motion and thereafter on 08.02.2023, had directed the private parties to appear before the Illaqa Magistrate/trial Court to get recorded their statements and trial court would satisfy itself about the authenticity of the compromise and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its report to this Court, before the next date of hearing.

In compliance of the order dated 08.02.2023, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Kanina has sent the report forwarded by letter No. 2526 dated 24.03.2023 and the relevant portion whereof is reproduced here-in-below:-

- 1. Upon complaint filed by complainant Satyavir son of Lala Ram, present FIR was registered against accused Ashok Kumar son of Leela Ram only. He is the only named accused in FIR. No other named or unnamed accused is arraigned in the FIR. The only accused i.e. Ashok Kumar has appeared before Court and has made his statement (Annexure A-2) regarding compromise duly identified by his counsel.*
- 2. As per statement (Annexure A-4) of investigating officer accused is not absconding and is not declared proclaimed offender in the present case.*
- 3. As per joint statement of complainant/victim Satyavir, Sharmila, Poonam and Amarpal as well as as per statement of accused Ashok Kumar, they have entered into a compromise (Annexure A-3) amongst themselves voluntarily, without any coercion or undue influence. They stated that they have no objection, if the FIR is quashed. The compromise as per their statements is a genuine compromise.*
- 4. As per statement (Annexure A-4) of investigating officer as well as report (Annexure-A5) accused Ashok Kumar is not involved in any other case.*

5. *As per statement of investigating officer as well as, as per record, there are total four complainants/victims in the present case. Complainant Satyavir son of Lala Ram and injured Sharmila wife of Satyavir are parents of deceased Yash and Yogita who died in the alleged accident, Poonam wife of Sandeep and Amarpal son of Dharmpal are injured/eye witnesses of the alleged accident. They have appeared and have made their joint statement (Annexure A-1) regarding validity of the compromise.*

6. *Case is at the stage of defence evidence and arguments.*

7. *In view of statements made by complainant/victims Satyavir, Poonam @ Sanju, Sharmila and Amarpal as well as accused Ashok Kumar, this court is satisfied that the complainants/victims as well as accused have compromised the matter between them voluntarily and without any threat, pressure or coercion and out of their free will. The compromise (Annexure A-3) as per their statements is a genuine compromise. Copies of statements of complainants/victims, accused and investigating officer are being sent herewith for your kind perusal and further worthy consideration please.”*

In compliance of order dated 08.02.2023, reply dated 24.01.2023 has been filed by respondent No. 1-State, wherein it is mentioned that the case is at the stage of defence evidence.

A perusal of the said report would show that statements of the concerned persons have been recorded in this case, who has stated that the matter has been compromised and complainant/respondent No. 2 and respondent No. 3 has no objection in case the FIR in question is quashed. They have further stated that the said compromise is genuine, voluntary, and without any coercion or undue influence.

To support his contentions, the learned counsel for the petitioner has placed reliance upon the judgments passed by Co-ordinate Bench of this

Court in case CRM-M-43928-2014 titled as ***Ranjit Singh Vs. State of***

CRM-M-57202-2022

Punjab and Others, CRM-M-22809-2019 titled as ***Sarabjit Singh Vs. State of Punjab and Others***, CRM-M-12202-2021 titled as ***Suraj Kumar Vs. State of Punjab and Others*** and CRM-M-39933-2021 titled as ***Sahil Vs. State of Punjab and Others***.

Having heard the learned counsel for the parties and after perusing the report submitted by the trial Court, this Court finds that the matter has been amicably settled between the petitioner and the complainant, where the case is at the stage of defence evidence and by the passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably. Therefore to prevent the abuse of the process of law and to secure the ends of justice, the criminal proceedings deserves to be quashed, under section 482 of Cr. P.C., which has the magnitude of the inherent jurisdiction of the High Court under it and this Court has inherent power under Section 482 of Cr.P.C. to quash an F.I.R. even when the offences are non-compoundable, with the driving force being the object of securing ends of justice. where the court should exercise the power to secure the ends of justice.

For the aforesaid view, this Court finds support from ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, upheld by Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***. Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No. 388 dated 08.12.2016 under Sections 279, 337, 304-A IPC registered at Police Station Sadar Kanina, District Mahendergarh, and all the subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2) are ordered to

be quashed, however, qua the petitioner only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

(DEEPAK MANCHANDA)
JUDGE

12.04.2022

Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No