

252 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59466-2022

Date of Decision: 06.02.2023

GOURAV

... PETITIONER

V/S

STATE OF HARYANA AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ashish Sindher, Advocate for the petitioner.
Mr. Surinder Kumar Dagar, DAG Haryana.
Mr. Narinder Singh, Advocate for respondent Nos. 2 & 3.
* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No.236 dated 12.08.2022 under Sections 279 & 336 IPC, registered at Police Station Munak, District Karnal and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2 & P-3).

On 19.12.2022 the parties were directed to appear before the Trial Court and get their statements recorded with regard to the compromise arrived at between them. The Trial Court was directed to record the statements of all the concerned and send its report regarding genuineness of the compromise.

In compliance of the order dated 19.12.2022, learned Sub Divisional Judicial Magistrate, Assandh has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“Statements of all the parties i.e. complainant Gaurav and respondents Sandeep, Aman were recorded on oath. All of them made statements to the effect that they have vountarily and amicably settled the present case. The accused/ petitioner and respondents further submitted that they have no objection if the present FIR is quashed. The accused requested that in view of the statement given by the complainant, respondent Sandeep the

present FIR be quashed. The complainant Aman, respondent Sandeep and accused Gaurav submitted that they have given the statements in the Court without any fear, pressure or coercion. In view of the statements given by the complainant Aman, respondent Sandeep and accused Gaurav in the court, it appears that the compromise has been entered into voluntarily and without any pressure or influence from any side.

Vide order dated 19.12.2022, the trial Court/ Duty Magistrate/ Illaqa Magistrate had also been directed to submit report with respect to number of persons arrayed as accused, whether any accused in this case has been declared a proclaimed offender , number of the victims/complainant and whether the accused persons are involved in any other case or not.

Consequent upon the issuance of notice SI Rajbir, No.1103/KNL (the Investigating Officer of the case) appeared in the Court on 10.1.2023 and submitted a detailed report to the effect that there is only one accused, namely, Gourav, that there are only two aggrieved persons, namely, Sandeep and Aman in the present case. It was submitted that accused Gourav has not been declared a proclaimed offender and is not involved in any other case. It was also informed that there are only two aggrieved persons, namely, Sandeep and Aman in this case.”

Learned counsel for the petitioner contends that the allegations with regard to drunken driving, as levelled in the FIR, are not supported with any medical evidence. The dispute has been amicably settled between the parties. Annexures P-2 and P-3 are the affidavits of respondent Nos. 2 and 3 in this regard. The injuries on the person of the injured are simple in nature. The injured has not suffered any disability much less permanent disability. The amicable settlement will help in maintaining cordial relations between them in future.

Learned counsel for respondent Nos.2 to 3 has acknowledged this fact and has stated that he has no objection if the aforementioned FIR is

quashed.

After hearing learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the parties have arrived at a settlement, out of the Court, by way of compromise (Annexure P-2 & P-3). The compromise is without any pressure and is a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the private dispute has been sought to be amicably settled. Consequently, a deserving case is made out 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***.

Accordingly, the present petition is allowed and FIR No.236 dated 12.08.2022 under Sections 279 & 336 IPC, registered at Police Station Munak, District Karnal and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

06.02.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No