

In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-9817-2024 (O&M)
Date of Decision:- 18.04.2024

Aadesh ... Petitioner

Versus

Union Territory Chandigarh and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Yashveer Kharb, Advocate, for the petitioner.

Mr. B.R.Rana, Advocate for
Mr. J.S.Toor, APP, U.T. Chandigarh.

Mr. Vishal Yadav, Advocate, for respondents No.2 & 3.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Aadesh has approached this Court seeking quashing of FIR No.454, dated 14.12.2023, Police Station Sector 36, Chandigarh under Sections 147, 148, 149, 341, 307, 120-B IPC, and all subsequent proceedings emanating therefrom on the basis of a compromise having been effected between the parties.
2. At the time of issuance of notice of motion on 15.3.2024, the following order was passed:

“This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.454 dated 14.12.2023 under Sections 147/148/149/341/307/120-B of IPC registered at Police Station Sector 36, Chandigarh (Annexure P-1) along with all subsequent proceedings arising therefrom on the

basis of compromise deed dated 17.02.2024 (Annexure P-2) and 19.02.2024 (Annexure P-3).

Learned counsel for the petitioner submits that no offence under Section 307 of IPC is made out as the occurrence has taken place at the spur of the moment and the medical legal report by Government Medical College and Hospital, Sector 32, Chandigarh clearly indicates the alleged history given by the injured is of road side accident on 13.12.2023. The petitioner as well as the private respondents are young boys and there was no culpable intention to breach the threshold of Section 307 of IPC and facts of the case satisfy the parameters of the ratio of law laid down in the judgment of the Hon'ble Supreme Court passed in 'The State of Madhya Pradesh Vs. Laxmi Narayan and others' 2019 (5) SCC 688. He further place on record the case summary in the Court today which is taken on record. Registry is directed to tag the same at an appropriate place in the file.

Notice of motion for 18.04.2024.

At this stage, on the asking of the Court, Mr. J.S. Toor, Addl.P.P., U.T. Chandigarh accepts notice on behalf of respondent No.1-State and Mr. Vishal Yadav, Advocate accepts notice for respondent No.2 and files his memorandum of appearance and undertakes to file his *vakalatnama* and admits to the factum of compromise. Copy of the paper book be supplied to them during the course of day. Learned counsel for respondent No.2 is directed to file his power of attorney on or before the next date of hearing.

Service is complete.

In the meanwhile, the parties are directed to appear before the learned trial Court/Illaq Magistrate within two weeks from today or any other date convenient to the trial Court/Illaq Magistrate, to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send

report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 18.04.2024.

A copy of the order be sent to learned trial Court/Illaqa Magistrate through fax for compliance.”

3. Report of learned Judicial Magistrate 1st Class, Chandigarh, has been received, wherein it has been reported that the statement of petitioner/accused Aadesh and complainant-Lakshay Juneja and injured-Fowzan Bahar @ Kazan have been recorded to the effect that they have compromised the matter amongst themselves.
4. Learned counsel has today produced a copy of medico-legal summary of injured Fowzan Bahar @ Kazan, recorded at Government Medical College and Hospital, Sector 32, Chandigarh which shows that when injured was taken to the hospital it was categorically got recorded that it is a case of road-side accident. The relevant extract from the said medico legal summary is reproduced herein under:-

“A/H/O RSA on 13/12/23(bike vs car) at 3-4AM NEAR SEC 35C
CHD

O/E: PATIENT WAS DROWSY, GCS E2 V2 M5

h/o loc, vomiting +ve

h/o ent bleed, (nasal bleed), seizure -ve

CXR-WNL

EFAST -VE

NCCT HEAD – LEFT FRONTO TEMPORO PAREITAL EDH”

5. Complainant/victim Lakshay Juneja and Fowzan Bahar @ Kazan in their statement had stated that they have no objection in case the FIR in question is quashed.

6. The learned Judicial Magistrate 1st Class, Chandigarh, has specifically opined that the parties have entered into compromise voluntarily without there being any pressure, coercion or undue influence.
7. In view of the fact that the injuries have been sustained in a vehicular accident and that the parties have otherwise amicably resolved their differences and bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the present petition is allowed and No.454, dated 14.12.2023, Police Station Sector 36, Chandigarh under Sections 147, 148, 149, 341, 307, 120-B IPC and all subsequent proceedings emanating therefrom are hereby quashed qua the petitioner.

18.04.2024

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No