

**258 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH**

CRM-M-40886-2023

Date of Decision: 11.01.2024

HARSIMRAN KAUR

...Petitioner

V/S

UNION TERRITORY, CHANDIGARH AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Inderpal Singh Parmar, Advocate
for the petitioner.

Mr. Vivek Singla, Addl. PP UT Chandigarh
for respondent No. 1.

Mr. Amarpreet Singh, Advocate
for respondent No. 2.

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. 0089 dated 04.07.2019 registered under Sections 279, 337 of Indian Penal Code (however, charges framed under Sections 279, 337 and 338 of IPC) at Police Station Sector-19, Chandigarh and all subsequent proceedings arising therefrom in view of the compromise dated 09.08.2023 (Annexure P-2).

2. The FIR has been registered on the statement of complainant-Thomas Randhawa- respondent No. 2 on the allegations that on 01.07.2019, at about 09.00 AM, he was travelling towards Baltana from Sector-18, Chandigarh, on an Activa bearing No. CH01-BF-6750. When he entered Sector-20 from the light point of Sector 20/30 and was heading via Sector 20-B, he noticed a car heading towards him being driven at a high speed. At the same time, the said car, which was driven by a girl namely

Harsimran Kaur-petitioner herein, hit the Activa of the complainant from

the front side and the complainant fell down and suffered injuries. It was further alleged that when the PCR vehicle was taking the complainant to the hospital, the petitioner misbehaved with him. 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. Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court/Illaqqa 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, Chandigarh stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

4. Learned Additional Public Prosecutor, U.T. Chandigarh on instructions from the Investigating Officer and learned counsel for respondent No. 2 admitted the factum of compromise and submitted 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.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. 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.....*”

7. Consequently, keeping in view the fact that the dispute has been amicably settled 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. 0089 dated 04.07.2019 registered under Sections 279, 337 of Indian Penal Code (however, charges framed under Sections 279, 337 and 338 of IPC) at Police Station Sector-19, Chandigarh and all subsequent proceedings arising out of the same are quashed qua the petitioner only.

11.01.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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