
(2010) 12 P&H CK 0207

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M. 31669 of 2010

Daljeet Singh

APPELLANT

Vs

State of U.T. and Others

RESPONDENT

Date of Decision : 17-12-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320, 482
Motor Vehicles Act, 1988 — Section 181, 3
Penal Code, 1860 (IPC) — Section 279, 325, 337, 338

Citation : (2010) 12 P&H CK 0207

Hon'ble Judges : Jaswant Singh, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Jaswant Singh, J.—Prayer is u/s 482 Code of Criminal Procedure for quashing of case FIR No. 194 dated 7.5.2007 under Sections 279, 325, 337, 338 of IPC and Section 3/181 of Motor Vehicle Act registered with Police Station Sector 17, Chandigarh on the basis of compromise in the shape of affidavit (P2) arrived at between the parties.

2. As per allegations levelled in the FIR, on 7.5.2007 at about 10.30 am in the Chandigarh District Courts parking complainant was on duty and at that time one Tavera Car bearing No. CH-03X 1553 being driven by the Petitioner hit one Maruti Car bearing No. HR-51-4866 and when complainant asked the driver of the Tavera Car that he had damaged the Maruti Car and he can only leave that place after talking to the owner of said maruti car. When complainant opened the window of that Tavera car the driver of the Taver hit his leg on the chest of the complainant. On raising alarm by the complainant he was dragged to some distance and after hitting another Bolen Car No. CH-03V 8628 he ran away at higher speed. Complainant received injuries in the aforesaid incident.

3. While issuing notice of motion parties were given liberty to appear before the learned trial court for getting their statements recorded in terms of the

compromise who after recording their statements was required to submit its reports regarding genuineness of compromise.

4. Report (Mark-A) in the shape of letter dated 20.11.2010 of learned Judicial Magistrate Ist Class, Chandigarh accompanied by photocopies of statements of both parties has been received wherein it is stated that the parties appeared before that court and suffered statements recorded separately in terms of the compromise thereby stated that the matter between the parties has been compromised in the FIR and complainant has no objection if the aforesaid FIR and all consequential proceedings are quashed against the Petitioner.

5. From the report submitted it is evident that the dispute between the Petitioner-accused and the complainant has been amicably resolved by entering into compromise wherein the complainant has stated that he has no objection if the present FIR against the Petitioner-accused is quashed.

6. Learned State Counsel is unable to raise any serious objection in view of the statement recorded in terms of the aforesaid compromise whereby the complainant is not willing to support the case of the prosecution.

7. Hon"ble Supreme Court in B.S. Joshi and Others Vs. State of Haryana and Another, has made it explicitly clear in para 15 of its judgment that the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and Section 320 of the Code does not limit or effect the powers u/s 482 of the Code.

8. A Full Bench of this Court in Kulwinder Singh and Ors. v. State of Punjab and Anr. 2007(3) RCR 1052 has also held that this Court, in appropriate cases, while exercising powers u/s 482 Code of Criminal Procedure , may quash an FIR disclosing the commission of noncompoundable offences. The relevant extracts read as under:

The only inevitable conclusion from the above discussion is that there is no statutory bar under the Code of Criminal Procedure , which can affect the inherent power of this Court u/s 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar u/s 320 of the Code of Criminal Procedure , in order to prevent the abuse of law and to secure the ends of justice.

9. Hon"ble Apex Court in another case in Nikhil Merchant Vs. Central Bureau of Investigation and Another, while relying upon its decision in B.S. Joshi's case(supra) has also held that in view of the compromise arrived at between the parties, the technicalities should not be allowed to stand in the way in the quashing of criminal proceedings and the continuance of the same after compromise between the parties would be a futile exercise.

10. Similar views were expressed by Hon"ble the Apex Court in Madan Mohan Abbot Vs. State of Punjab, , the relevant extract of which is as under:

We need to emphasise that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilised in deciding more effective and meaningful litigation. This is a common sense approach to the matter based on ground of realities and bereft of the technicalities of the law.

11. Keeping in view the above settled legal position and taking into account the fact that the both the parties have desired to live in peace and harmony and carry on with their lives without any ill will or rancour by resolving their differences and entering into the aforesaid compromise, it is evident that it is a fit case where there is no legal impediment in the way of the Court to exercise its inherent powers u/s 482 Code of Criminal Procedure , for quashing of the FIR in the interest of justice.

12. Accordingly, the present petition is allowed and FIR No. 194 dated 7.5.2007 under Sections 279, 325, 337, 338 of IPC and Section 3/181 of Motor Vehicle Act registered with Police Station Sector 17, Chandigarh and the subsequent proceedings arising there from are quashed against the Petitioner.