
(2020) 01 P&H CK 0200

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 341 Of 2020 (O&M)

Shakti Singh @ Kukku

APPELLANT

Vs

State Of Punjab And Another

RESPONDENT

Date of Decision : 24-01-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 279, 337, 338, 427

Citation : (2020) 01 P&H CK 0200

Hon'ble Judges : Jasgurpreet Singh Puri, J

Bench : Single Bench

Advocate : Gagandeep Kaur, M.S.Nagra, Bhupinder Kaur

Final Decision : Allowed

Judgement

Jasgurpreet Singh Puri, J

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.132 dated 17.04.2018, under Sections 279, 337, 338 and 427 IPC, registered at Police Station City, District Barnala (Annexure P1) and all subsequent proceedings arising therefrom on the basis of compromise dated 21.12.2019 (Annexure P2).

Learned counsel for the petitioner submits that the present FIR was lodged at the instance of one Gurpreet Singh, complainant - respondent No.2, by alleging that he being an auto driver, when he was going to the factory and reached opposite Shani Mandir in his auto, then one unknown driver brought tractor-trolley from Sekha Chowk at very high speed and driven in a reckless and negligent manner. He rammed his tractor trolley in his Auto and due to collision, the girls sitting in the Auto suffered grievous injuries and the Auto was also badly damaged. Thereafter, driver of the Auto fled away from the spot.

Learned counsel for the petitioner submits that vide Annexure P2, a compromise has been effected between the complainant and the sole accused (petitioner) in

the present case and that offence which is alleged to have been committed is not serious in nature.

On 07.01.2020, this Court had issued notice of motion for 14.01.2020 and the learned State counsel had accepted the notice whereas counsel appeared on behalf of complainant - respondent No.2 and filed his power of attorney. Thereafter, when the matter came up for hearing on 15.01.2020, although no reply was filed by the parties despite opportunity granted to them but as the learned counsel for the parties stated that a valid compromise has been arrived at between the parties, the parties were directed to appear before the learned trial Court/Illaq Magistrate. The relevant extract of order dated 15.01.2020 is reproduced as under:-

"Accordingly, the concerned parties are directed to appear before the trial Court/Illaq Magistrate on 18.1.2020 for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report on or before the next date of hearing containing the following information :-

- 1.Number of persons arrayed as accused in FIR.
2. Whether any accused is proclaimed offender.
- 3.Whether the compromise is genuine, voluntary and without any coercion or undue influence.
4. Whether the accused persons are involved in any other case or not.
5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

In pursuance to above order, the learned Chief Judicial Magistrate, Barnala, has submitted his report wherein it has been stated that complainant Gurpreet Singh and petitioner had appeared in the Court on 18.01.2020 and got their statements recorded to the effect that they have compromised the matter with the intervention of the respectable without any pressure or coercion and have no objection if the FIR is quashed.

Statement of ASI Surinderpal Singh was also recorded who stated that only one person is accused in the FIR and that no accused is proclaimed offender and proclamation proceedings are not pending against anyone in this case. Said ASI has also got recorded his statement to the effect that except complainant Gurpreet Singh, there is no other complainant or affected aggrieved/party in the present case and that no other criminal case is pending against the accused.

In the report, the learned Chief Judicial Magistrate, Barnala, has also recorded his satisfaction that the compromise effected between the complainant and accused is genuine and also without any pressure or coercion or undue influence.

In the present case, complainant - respondent No.2 has also put in appearance

through counsel along with State. However, none of the respondents have filed any reply in this case.

Learned State counsel submits that the State would have no objection in case the present FIR is quashed on the basis of compromise.

After hearing the learned counsel for the parties and after pursuing the report filed by the learned Chief Magistrate, Barnala, in compliance of the directions issued by this Court, it is clear that compromise Annexure P2, has been arrived at between the parties and specific statements have been got recorded by both the parties to the effect that the compromise is without any coercion, undue influence and is voluntary in nature. Further, it is not a case where it can be termed as serious or heinous crime and no useful purpose would be served in case the proceedings are continued in view of specific compromise made between the petitioner and respondent No.2 and thus there is no bar in quashing the FIR.

I am of the view that the arguments advanced by the learned counsel for the petitioner has some substance and therefore, following the judgment in Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052 as well as Gian Singh Versus State of Punjab and others (2012) 10 SCC 303, this petition is allowed and F.I.R. No.132 dated 17.04.2018, under Sections 279, 337, 338 and 427 IPC, registered at Police Station City, District Barnala (Annexure P1) and all subsequent proceedings arising therefrom on the basis of compromise dated 21.12.2019 (Annexure P2), are quashed qua the petitioner on the basis of compromise.