

(2010) 09 P&H CK 0418

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M-20710 of 2010

Satpal Singh

APPELLANT

Vs

State of Haryana and Another

RESPONDENT

Date of Decision: Sept. 17, 2010

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 320(9), 482
- Penal Code, 1860 (IPC) - Section 279, 337

Hon'ble Judges: S.S. Saron, J

Bench: Single Bench

Final Decision: Allowed

Judgement

S.S. Saron, J.

Reply by way of affidavit of respondent No. 2 filed in Court today is taken on record.

2. Heard learned Counsel for the parties.

3. The petitioners seeks quashing of FIR No. 35 dated 21.6.2010 (Annexure-P.1) registered at Police Station Naggal, District Ambala for the offences under Sections 279 and 337 IPC.

4. The FIR has been registered on the statement of Gulab Singh (respondent No. 2). It is alleged by him that on 18.6.2010 he was coming from Chandigarh to his Village Thol in his Maruti car 800 CC bearing No. HR-05K-6020. His uncle Jai Singh and his son Kamaljeet Singh were also in the car. At about 3.00 p.m. when they were ahead of the Mathedi Petrol Pump to Village Mathedi then from the opposite side a Maruti car 800 CC bearing registration No. CH-03J-5749 with an unknown driver came from the side of Mathedi chowk by driving his car in a rash and negligent manner. The car coming from the opposite side came on the wrong side and hit the car of the complainant Gulab Singh (respondent No. 2). Due to this they received injuries. The complainant Gulab Singh (respondent No. 2) was admitted in the Civil Hospital

Ambala City for treatment. The uncle of the complainant, namely, Jai Singh, who was also in the car received injuries. The driver of the car that was coming from the opposite side ran away.

5. The matter has now been amicably settled by way of compromise dated 18.7.2010 (Annexure-P.2). It is stated that both the cars had got damaged in the accident. Both the parties received injuries and both were under treatment. Both the parties want to live peacefully. The compromise is signed by Gulab Singh-complainant (respondent No. 2) and his uncle Jai Singh. It is also signed by Satpal Singh (petitioner) who was driver of the second car coming from the side of Village Mathedi. Dilbagh Singh, father of the petitioner has also signed the affidavit. The accident, it is submitted, had occurred due to the village road being narrow and was purely an accident and there was no element of rashness and negligence involved. The parties have amicably resolved their dispute.

6. Learned Counsel for the State has submitted that in case the parties have settled their dispute, the State would have no serious objection.

7. A larger Bench of this Court in *Kulwinder Singh and Ors. v. State of Punjab and Anr.* 2007 (3) RCR (Cr.) 1052 (5 Judges) has observed as follows:

27. The power to do complete justice is the very essence of every judicial justice dispensation system. It cannot be diluted by distorted perceptions and is not a slave to anything, except to the caution and circumspection, the standards of which the Court sets before it, in exercise of such plenary and unfettered power inherently vested in it while donning the cloak of compassion to achieve the ends of justice. No embargo, be in the shape of Section 320(9) of the Cr.P.C., or any other such curtailment, can whittle down the power u/s 482 of the Cr.P.C.

28. The compromise, in a modern society, is the sine qua non of harmony and orderly behavior. It is the soul of justice and if the power u/s 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is finest hour of justice". Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers u/s 482 of the Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.

8. In view the aforesaid facts and circumstances, the present criminal miscellaneous petition is allowed and the impugned FIR No. 35 dated 21.6.2010 (Annexure-P.1) and all consequential and subsequent proceedings in pursuance thereof shall stand quashed.