

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

CRM-M-5427 of 2021 (O&M)

Date of Decision: 9.11.2021

Raj Kumar and another

... Petitioners

Versus

State of Haryana and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Deepak Kumar Bartia, Advocate for the petitioners.
Ms. Dimple Jain, AAG, Haryana.
Mr. A. S. Brar, Advocate for respondent No. 2.

AVNEESH JHINGAN , J.(Oral)

CRM-31379 of 2021

This is an application for preponing the date of hearing in the main petition which is fixed for 16.12.2021.

Notice in the application to the non-applicants.

Ms. Dimple Jain, AAG, Haryana and Mr. A. S. Brar, Advocate appearing on advance notice accept the same. They have no objection to the acceptance of the prayer of the applicants.

For the reasons mentioned in the application, the same is allowed. The date of hearing in the main petition is preponed from 16.12.2021 to today itself.

With the consent of the parties, the main petition is taken on Board.

The next date fixed in the main petition is cancelled.

Main petition

[1] This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 80 dated 18.9.2017, under Sections 323, 325 read with Section 34 IPC and 506 IPC, registered at Police Station Mansa Devi Complex, District Panchkula. and all subsequent proceedings arising therefrom on the basis of compromise dated 28.1.2021.

[2] The FIR was at the instance of Karnail Singh. As per the allegations, the incident was of 17.9.2017. It was alleged that two accused (petitioners) along with their accomplices entered the shop of the complainant, started abusing and inflicting injuries. During the pendency of the proceedings, the parties have compromised the matter.

[3] On 5.2.2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 28.1.2021.

[5] The report dated 12.2.2021 is received, stating that the compromise is genuine, voluntary and without any coercion and undue influence. Further that there were two accused (petitioners herein) and they have not been declared as proclaimed offender.

[5] Full Bench of this Court in ***Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052***, has held:-

“There is no statutory bar in Cr.P.C. which affects inherent power of this Court under Section 482. The power of quashing is not limited to matrimonial cases alone.”

[6] The Supreme Court in ***Parbatbhai Aahir @ Parbatbhai***

Bhimsinhbhai Karmur and others v. State of Gujarat and another, 2017

AIR (SC) 4843 laid down the broad principles governing the exercises of powers of quashing of FIR. It was held that the power under Section 482 Cr.P.C. is to be exercised by the High Court to secure the ends of justice, to prevent abuse of any process of law and in cases where in view of the compromise the possibility of conviction is remote and continuation of proceeding will cause oppression and prejudice.

[7] The parties are neighbours and are in same line of business. They have bridged their differences. With the intervention of friends and relatives, they have decided to proceed ahead rather than indulging in litigation. No useful purpose would be served by continuing with the trial. To meet the ends of justice, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

[8] The petition is allowed.

**(AVNEESH JHINGAN)
JUDGE**

9th November, 2021

mk

Whether reasoned/speaking
Whether reportable

Yes
Yes