

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

CRM-M-9900-2021

Date of Decision: 17th December, 2021

Kawaljit Kumar and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Ashish Aggarwal, Advocate for the petitioners.
Mr. Amit Mehta, Sr. DAG, Punjab for the respondent-State.
Mr. Vivek Singla, Advocate for the complainant.

AVNEESH JHINGAN , J.(Oral)

1. This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 28, dated 02.02.2019, under Sections 323, 353 and 186 read with Section 34 IPC, registered at Police Station Gharinda, District Amritsar and all subsequent proceedings arising therefrom on the basis of compromise dated 10.06.2019.

[2] The FIR got registered by complainant- S Peru Mall. He went to the power house alone, Kawal opened the door and three other persons were present inside who were under influence of intoxication. The complainant supervises the electricity work and inquired as to why the fault of the quarter of Nirmal Singh was not fixed as his house is without electricity since afternoon. An altercation took place and injuries inflicted to both the parties.

[3] The parties with the intervention of respectables have compromised the matter.

[4] On 03.03.2021, the parties were directed to appear before

the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 10.06.2019.

[5] The report dated 10.5.2021 is received, the relevant part is that the compromise between the parties is genuine and valid, and without any coercion or undue influence from any corner and none of the accused has been declared as proclaimed offender in this case.

[6] 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.”

[7] 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.

[8] The Court has informed that investigation agency had filed a cancellation report which was not accepted and matter was sent back for investigation.

[9] The incident took place in the heat of a moment. The parties have bridged their differences, bought their peace of mind rather than to

indulge in litigations. No useful purpose would be served by continuing with the trial. To meet the ends of justice and considering that there are bleak chances of conviction, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

[10] The petition is allowed.

(AVNEESH JHINGAN)
JUDGE

17th December, 2021
Parveen Sharma

Whether reasoned/speaking	Yes/No
<i>Whether reportable</i>	<i>Yes/No</i>