

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

**CRM-M-16001 of 2021**

**Date of Decision: 11.11.2021**

Nishan Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

**CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present : Ms. B. S. Aulakh, Advocate for the petitioners.  
Mr. Amit Mehta, Senior DAG, Punjab.  
Mr. Tarun Sharma, Advocate for  
Mr. I. S. Dhaliwal, Advocate for respondent No. 2.

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**AVNEESH JHINGAN , J.(Oral)**

[1] This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 98 dated 22.11.2015, registered under Sections 447, 511, 427, 380, 506, 148 and 149 IPC at Police Station Kabarwala, District Sri Muktsar Sahib and all subsequent proceedings arising therefrom on the basis of compromise dated 2.4.2021.

[2] The brief facts are that the FIR was registered at instance of Haqiqat Pal. As per the allegations, there was a dispute with regard to possession of the shop. An incident took place on 21.11.2015. There was an attempt to take possession of the shop in spite of interim order of civil Court. During the pendency of the proceedings, the parties have entered into compromise.

[3] On 09.04.2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 2.4.2021.

[4] The report dated 18.5.2021 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence. Further that there are five accused (petitioners herein) and none of them has been declared 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] Better sense prevailed and the parties have bridged their differences. They are from the same locality, no useful purpose would be served by continuing with the trial, rather it would only affect the effort put for compromise. 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**

**11.11.2021.**

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| Whether reasoned/speaking | Yes |
| Whether reportable        | Yes |