

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

CRM-M-16298-2021

Date of Decision: 17th December, 2021

Harpreet Singh @ Lambu @ Kumar and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : None for the petitioners.

Mr. Amit Mehta, Sr. DAG, Punjab for the respondent-State.

AVNEESH JHINGAN , J.(Oral)

1. This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 199, dated 02.06.2019, under Sections 458, 323, 427, 148, 149 IPC, registered at Police Station City Barnala, District Barnala and all subsequent proceedings arising therefrom on the basis of compromise dated 04.3.2020.

[2] The brief facts of the case are that Lucky Kanda got an FIR registered alleging that on 2nd June, 2019, the accused armed with *Danda*, base ball bats and swords, entered in his house, caught the complainant from his collar and gave him slaps, broke the rear windshield and head light of the car. The reason for the incident was a dispute with regard to the common wall with Ashok Kumar Pandit which was compromised.

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

[4] On 28.09.2021, the parties were directed to appear before

the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 04.03.2020.

[5] The report dated 26.10.2021 is received, the relevant part is as below:

“That the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

XXXXXXX

No P.O. proceedings are pending against the accused.”

[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] Learned State counsel On instructions from ASI Dalvinder Singh submits that after investigation a cancellation report has been filed

which is pending with the Court.

[9] The parties are neighbours, the dispute was with regard to a common wall, they have patched up their differences, decided to live peacefully 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
Whether reportable

Yes/No
Yes/No