

**CRM-M-27796-2020 &
CRM-M-27805-2020**

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217(2 cases)

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

*** * ***

Date of Decision: 21.01.2021

1. CRM-M-27796-2020

Jarman Singh and others

....Petitioners

Versus

State of Punjab and others

....Respondents

2. CRM-M-27805-2020

Bhupinder Singh and others

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Balbir Singh Jaswal, Advocate
for the petitioners in CRM-M-27796-2020 and
for respondents No. 2 and 3 in CRM-M-27805-2020.

Mr. Nitin Sharma, Advocate for Mr. Vikki Sharma
for the petitioners in CRM-M-27805-2020 and
for respondents No. 2 and 3 in CRM-M-27796-2020.

Ms. Rashmi Attri, Assistant Advocate General, Punjab.

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Avneesh Jhingan, J. (Oral)

These matters are taken up for hearing through video
conference due to COVID-19 situation.

Two petitions are filed for quashing of FIR No. 62, dated

5.3.2019 under Sections 324, 325, 323, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Beas, District Amritsar Rural and DDR No.27, dated 15.03.2019 and all subsequent proceedings arising therefrom.

FIR was at the instance of Bhupinder Singh. It was alleged that on 17.02.2019, he was working with Farm Tractor, Loader and *Gharuka* at his shop when about 6:30 P.M., Jarman Singh armed with *Gandasi*, Vishaldeep Singh armed with *Daater*, Sajandeep Singh armed with baseball bat, Sarwan Singh and Gurdeep Singh, both empty handed came there. A *lalkara* was raised to teach lesson to the complainant, Jarman Singh gave a *gandasi* blow on his forefinger, Vishaldeep Singh gave *daater* blow on his left leg and Sajandeep Singh gave baseball bat blow on his back.

On 15.03.2019, Jarman Singh got recorded a DDR giving cross version of the case, stating that he had given steel length (*Saria*) and cement to Bhupinder Singh and in addition, Rs. 1,00,000/- was also to be paid to his brother by Bhupinder Singh. A phone call was made for asking the money to which Bhupinder Singh said that they can get their money from his shop. On 17.02.2019 at about 6:45 P.M., when they reached the shop of Bhupinder Singh was armed with *Daater*, Simranjeet Singh armed with baseball bat and Pal Singh were standing there. A *lalkara* was raised by Bhagwant Singh to teach lesson to Jarman Singh for asking money. Jarman Singh was inflicted injuries on his right leg and his back.

On 26.09.2020, parties compromised the matter and filed these petitions. On 15.09.2020, the parties were directed to appear before the trial Court/ Area Magistrate for getting their statements recorded.

A report dated 08.01.2021 is received stating that the compromise is genuine, voluntarily and without any threat or coercion. Learned counsel for the complainant has no objection if the DDR is

quashed.

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

“The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.

The power under Section 482 of the Cr.P.C. is to be exercised Ex-Debitia Justitia to prevent an abuse of process of Court. There can neither be an exhaustive list nor the defined para-meters to enable a High Court to invoke or exercise its inherent powers. It will always depend upon the facts and circumstances of each case. The power under Section 482 of the Cr.P.C. has no limits. However, the High Court will exercise it sparingly and with utmost care and caution. The exercise of power has to be with circumspection and restraint. The Court is a vital and an extra-ordinary effective instrument to maintain and control social order. The Courts play role of paramount importance in achieving peace, harmony and ever-lasting congeniality in society. Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is

abhorrent to lawful composition of the society or would promote savagery.”

The parties in order to live peacefully have entered into a compromise. To meet the ends of justice and considering that no useful purpose would be served with continuation of trial, the above mentioned FIR and DDR with all consequent proceedings arising therefrom are quashed.

The petitions are disposed of.

A photocopy of this order be placed in the file of connected petition.

(AVNEESH JHINGAN)
JUDGE

21st January, 2021
pankaj baweja

Whether speaking/reasoned	Yes
Whether reportable	Yes