

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

CRM-M-24681 of 2020

DECIDED ON: 21st JANUARY, 2021

Gurwinder Singh and others

.....PETITIONERs

VERSUS

State of Punjab and others

.....RESPONDENTs

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Vikram Preet Arora, Advocate for petitioners.

Ms. Rashmi Attri, AAG Punjab.

Mr. Maninder Arora, Advocate for respondents No. 2 and 3.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition for quashing of FIR No. 48 dated 21.4.2020 under Sections 323, 325, 188, 148 and 149 IPC and section 3(1) Scheduled Cast and Scheduled Tribes (Prevention of Atrocities) Act, (added later on) registered at Police Station Bhadson, District Patiala. The FIR was at the instance of Navjot Singh. It was stated that on 19.4.2020 when the complainant along with his brother were coming back home, Gurvinder Singh, Gurinder Singh @ Sonu, Amrit @ Pati, Manjit Singh, Kala Singh, Lovely Singh and Ranjit Singh attacked them with dhal, bat, iron rod etc. The complainant and his brother received injuries on the finger of right hand, waist, legs and head.

During the pendency of the proceedings the matter was compromised on 22.6.2020. The parties were known to each other and with the intervention of family member and respectables of the society, the matter was compromised.

On 27.8.2020 and 12.10.2020 this Court directed to make statement before the Illaqa Magistrate/Trial Court.

A report is received with covering letter dated 16.11.2020 stating that the compromise is genuine, made voluntarily and without any coercion.

Learned counsel for the complainant has no objection if the FIR is quashed.

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

"29. The only inevitable conclusion from the above discussion is that there is no statutory bar under the Criminal Procedure Code 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 Criminal Procedure Code, in order to prevent the abuse of law and to secure the ends of justice.

30. The power under Section 482 of the Criminal Procedure Code is to be exercised Ex-Debita 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 Criminal Procedure Code 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 extraordinary 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 with all consequent proceedings arising therefrom are quashed.

The petition is disposed of.

21st JANUARY, 2021

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**(AVNEESH JHINGAN)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>