

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

CRM-M-36038 of 2021

DECIDED ON: 9th December, 2021

Swaran Kaur and others

.....PETITIONERS

VERSUS

State of Punjab and another

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. S.K. Dhanda, Advocate for petitioners.

Mr. Amit Mehta, Sr. DAG Punjab.

Mr. Pankaj Kaushik, Advocate for respondent No.2.

AVNEESH JHINGAN, J (ORAL)

This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No.19 dated 4.5.2014, under Sections 452, 324, 323, 148, 149 IPC 1860 (Section 326 IPC added later on) registered at Police Station Kabarwala Muktsar and all subsequent proceedings arising therefrom on the basis of compromise dated 2.8.2021.

2. The brief facts are that FIR was registered on the statement of Kashmir Singh alleging that an incident took place on 4.5.2014 and injuries were inflicted on the complainant's party by the accused (petitioners). An earlier dispute between the parties resulted in the said incident.

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

4. On 3.9.2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 2.8.2021.

5. The report dated 8.11.2021 is received, the relevant part is as below:

“ Similarly, separate statements of all accused persons namely Dalbir Singh, Kashmir Kaur, Nanank Singh alias Jagsir Singh and Swaran Kaur have also been recorded in the Court. They have stated that they have effected the compromise with the complainant Kashmir Singh and the above said compromise with the complainant voluntarily without any coercion or undue influence or without any pressure of any kind. They had compromise with the complainant voluntarily so that they can live peacefully and happily and harmony in future. The compromise is beneficial for them and for complainant.

The undersigned has carefully gone through the statements got recorded by the aforesaid parties. Ex-facie, it transpires from the statements of the parties (recorded before the undersigned) that they have arrived at compromise with their free volition, without any inducement, threat, promise, coercion or undue influence from any quarter. Apparently, the compromise has been genuinely arrived at to eliminate bitterness and acrimony between the parties and in order to restore cordial relations.”

In the report it is mentioned that Dalip Singh accused had died and proceedings against him stands abated vide order dated 31.1.2019.

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. Parties have settled the issue, they are neighbourers and have decided to live peacefully rather than indulging in litigation. Pendency of the trial will only create complications, 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.

9. The petition is allowed.

9th December, 2021

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**(AVNEESH JHINGAN)
JUDGE**

Whether speaking/reasoned *Yes*

Whether reportable *Yes*