

230

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-31481-2020

Date of Decision: 08.04.2021

Abhishek alias Avi and others

Petitioners

Versus

State of Haryana and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sandeep Lather, Advocate for the petitioners.

Mr. Deepak Bhardwaj, Deputy Advocate General,
Haryana.

Mr. Antriksh Sharma, Advocate for the respondent No. 2.

AVNEESH JHINGAN, J (Oral):

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

This is a petition seeking quashing of FIR No. 367, dated 15th August, 2019, under Sections 120-B, 148, 149, 323, 341 and 506 of the Indian Penal Code, 1860, registered at Police Station Thanesar Sadar, District Kurukshetra and all subsequent proceedings arising therefrom, on the basis of compromise dated 8th September, 2020.

The FIR was lodged at the behest of Rajinder Singh. The allegations were that 7/8 boys with covered faces, one of whom identified as Ritik gave beatings to the complainant with *dandas*. The

incident occurred in conspiracy with Harkirat. During the pendency of trial, Ritik expired on 12th October, 2020. The parties compromised the matter with intervention of the *Panchayat*.

On 19th November, 2020, the parties were directed to appear before the Illaqa Magistrate/trial Court on 12th January, 2021 for getting their statement recorded. Report dated 14th January, 2021 is received stating that compromise is genuine and without any pressure or coercion. Further that 9 persons were nominated in the FIR, Ankur was found innocent during investigation and Ritik died during the pendency of trial. The statements of rest 7 accused and of the complainant have been recorded.

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 parameters 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 have patched up their differences. To meet the ends of justice and considering that no useful purpose would be served with continuation of trial as there would be bleak chance of conviction, the above mentioned FIR with all consequent proceedings arising therefrom is quashed.

The petition is disposed of.

[AVNEESH JHINGAN]
JUDGE

8th April, 2021

pankaj barveja

- | | | |
|-------------------------------|---|-----|
| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |