

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

CRM-M-39149 of 2021

DECIDED ON: 1st December, 2021

Kimat Singh @ Keema and others

.....PETITIONERS

VERSUS

State of Punjab and others

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. N.S. Awasthi, Advocate for petitioners.

Mr. Amit Mehta, Sr. DAG Punjab.

Mr. Ranjodh Singh Sidhu, Advocate for respondents No. 2 to 4.

AVNEESH JHINGAN, J (ORAL)

This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 177 dated 29.6.2020, under Sections 452, 341, 323, 506 read with Section 34 IPC, registered at Police Station City Sunam, District Sangrur and all subsequent proceedings arising therefrom on the basis of compromise.

2. The brief facts are that Sukha Singh got registered FIR alleging that on 28.6.2020 while returning home accused Keema Singh, Bhinder Singh, Nishan Singh and Mani Singh, armed with sticks, gandaasi surrounded the complainant and inflicted injuries on him. His brother reached the spot and saved him. The basis cause for the incident was a piece of land.

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

4. On 21.9.2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

5. A report dated 2.11.2021 is received from the Sub Divisional Judicial Magistrate, Sunam stating that compromise is genuine, without any pressure or coercion. It is further stated that none of the parties, as on date, is Proclaimed Offender.

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 residing in same village and have decided to live peacefully rather than indulging in litigation. 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.

1st December, 2021

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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned Yes

Whether reportable Yes