

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

CRM-M-31930 of 2019 (O&M)

Date of decision: 02.12.2021

Ranjit and others

Petitioners

Versus

State of Haryana and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Satbir Gill, Advocate for the petitioners.
Ms. Dimple Jain, AAG, Haryana.
Mr. Kamal Narula, Advocate for respondents No. 2 to 4.

AVNEESH JHINGAN, J (Oral):

CRM-38315 of 2021

This is an application for preponing the date of hearing in the main petition which is fixed for 2.2.2022.

Notice in the application to the non-applicants.

Ms. Dimple Jain, AAG, Haryana and Mr. Kamal Narula, Advocate appearing on advance notice accept the same on behalf of respondents No. 1 and 2 to 4, respectively. They have no objection to the acceptance of the prayer of the applicants.

For the reasons mentioned in the application, the same is allowed. The date of hearing in the main petition is preponed from 2.2.2022 to today itself.

With the consent of the parties, the main petition is taken

on Board.

Main petition

[1] This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 156 dated 16.6.2018, under Sections 323, 324, 341 and 506 read with Section 34 IPC (Section 326 IPC added later on), registered at Police Station Sadar, Sirsa and all subsequent proceedings arising therefrom on the basis of compromise dated 15.7.2019.

[2] The brief facts are that on the statement of Gursimran Singh, the FIR was registered alleging that in an incident that took place on 15.6.2018, complainant-Gursimran Singh, Harbhajan Singh and Balwinder Singh were inflicted injuries by the accused-petitioners. The cause for altercation was an incident that earlier took place between Zora Singh (uncle of the complainant) and the accused.

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

[4] On 9.9.2019, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 15.7.2019.

[5] The report dated 3.10.2019 is received, the relevant part is as below:

“ 2. As per record as well as statement of accused persons no accused has been declared proclaimed offender in present case.

3. I have also questioned both the parties to satisfy myself about the validity of compromise and I am satisfied that the parties have entered into the compromise without any fear, force and coercion and in my considered opinion compromise between the parties is genuine.

4. As per statement of accused, none of the accused is not involved in any other case.”

[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] The parties are from the same village and have bridged their differences, decided to proceed ahead rather than indulging in litigation. No useful purpose would be served by continuing with the trial. To meet the ends of justice and considering that the chances of conviction are bleak, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

[9] The petition is allowed.

**[AVNEESH JHINGAN]
JUDGE**

2nd December, 2021
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1. Whether speaking/ reasoned	:	Yes /No
2. Whether reportable	:	Yes /No