

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

CRM-M-41344 of 2021

DECIDED ON:10th November, 2021

Narveen and others

.....PETITIONERS

VERSUS

State of Haryana and others

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Vikram Rana, Advocate for petitioners.

Ms. Geeta Sharma, DAG Haryana.

Mr. Deepak Raghav, Advocate for respondents No. 2 to 4.

AVNEESH JHINGAN, J (ORAL)

Due to COVID-19 situation, the Court is convened through video conference.

2. This petition under Section 482 of Code of Criminal Procedure, 1973 is filed seeking quashing of FIR No. 189 dated 21.6.2018, under Sections 147, 149, 323, 506 IPC, 1860, registered at Police Station Bhupani District Faridabad and all subsequent proceedings arising therefrom on the basis of compromise dated 22.9.2021.

3. FIR was at the instance of Babita alleging that on 18.6.2018, Naresh, Harichand, Gotam, Santosh, Rambati, gave her beatings. When her husband and son tried to protect her, they were also beaten.

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

5. On 5.10.2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 22.9.2021.

6. The report dated 28.10.2021 is received, the relevant part is as below:

“ As per the statements of the investigating officer-none of the accused has been declared as proclaimed offender so far.

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.... the accused/petitioners (Naveen, Naresh, Hari Chand, Gautam, Rambati Devi and Santosh), the respondents No. 2 to 4 (Babita, Anil Kumar & Kamal), have candidly stated that the matter has been amicably settled between them without any contaminating influence exercised by any one of them; and it was only after getting satisfied about its voluntary nature, the statements of the parties were recorded,”

7. 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.”

8. 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.

9. Parties have settled the issue; they are neighbourers and have decided to live peacefully rather than indulging in litigation. In view of subsequent development, chances of conviction are bleak. 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.

10. The petition is allowed.

(AVNEESH JHINGAN)
JUDGE

10th November, 2021

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