

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-44783-2021

Date of Decision: 1st December, 2021

Mangal Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Amit Gupta, Advocate for
Mr. Vipin Mahajan, Advocate for the petitioners.

Mr. Amit Mehta, Sr. DAG, Punjab.
Mr. Randeep Singh, Advocate for
Mr. Vishal Munjal, Advocate for the complainant.

AVNEESH JHINGAN , J.(Oral)

[1] This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 78, dated 14.09.2021, under Sections 452, 326, 323, 324 read with Section 34 IPC, registered at Police Station Dear Baba Nanak, Police District Batala and all subsequent proceedings arising therefrom on the basis of compromise dated 01.10.2021.

[2] As per the allegations the dispute was with regard to drain water getting collected in front of the house of the complainant. It resulted into altercation that took place on 01.09.2021, injuries were inflicted to the petitioners.

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

[4] On 27.10.2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with

regard to compromise dated 01.10.2021.

[5] The report dated 29.11.2021 is received, the relevant part is as below:

“I. There are four persons arraigned as accused in the present FIR namely, Mangal Singh S/o Hazara Singh, Sukhwidner Kaur wife of Mangal Singh. Pargat Singh s/o Mangal Singh & Sarpreet Singh S/o Mangal Singh, all residents of village Paracha, Tehsil Batala, District Gurdaspur.

II. None of the accused has been declared as proclaimed offender.

III. After considering the statements of the parties as well as IO, this court is of the view that the compromise between the parties is genuine, voluntary and without any coercion and under influence.”

[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. With the intervention of friends and relatives, they have 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, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

[9] The petition is allowed.

(AVNEESH JHINGAN)
JUDGE

1st December, 2021

Parveen Sharma

Whether reasoned/speaking	Yes
Whether reportable	Yes