

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

CRM-M-44787 of 2021

DECIDED ON: 1st December, 2021

Dinesh and another

.....PETITIONERS

VERSUS

State of Haryana and others

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Chanderhas Yadav, Advocate for petitioners.

Mr. Vishal Malik, DAG Haryana.

Ms. Veena Hooda, 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. 391 dated 5.9.2021, under Sections 323, 324 read with Section 34, 506 IPC, registered at Police Station Beri, District Jhajjar and all subsequent proceedings arising therefrom on the basis of compromise dated 26.9.2021.

2. The brief facts are that FIR was registered at the instance of Ankit. It was alleged that on 5.9.2021 an incident took place involving the complainant and the accused in which simple injuries were inflicted. The reason for the incident was an earlier incident which was due to accumulation of drainage water in front of house of complainant.

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

4. On 27.07.2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 26.9.2021.

5. The report dated 16.11.2021 is received, the relevant part is as below:

*“ (1) As per Investigating Officer, instituted on FIR No. 391 dated 5.9.2021, under Sections 323, 324, 506 read with Section 34 IPC, total two persons have been arraigned as accused namely Dinesh and Ajit both sons of Hari Kishan.
(2) As per the statement of Investigating Officer, none of the accused has been declared as proclaimed offender.
(3) On the basis of scrutiny of aforesaid statements of appearing parties, it surfaced that the aforesaid compromise between the parties is genuine and voluntarily effected between the parties.”*

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 neighbourers and have decided to live peacefully rather than indulging in litigation. 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.

9. The petition is allowed.

(AVNEESH JHINGAN)
JUDGE

1st December, 2021

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Whether speaking/reasoned *Yes*

Whether reportable *Yes*