

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

CRM-M-45154 of 2021

DECIDED ON: 2nd December, 2021

Krishan Kumar and another

.....PETITIONERS

VERSUS

State of Haryana and others

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Mahir Sood, Advocate for petitioners.

Ms. Geeta Sharma, DAG Haryana.

Mr. Neeraj Yadav, Advocate for respondents No. 2 to 6.

AVNEESH JHINGAN, J (ORAL)

This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 152 dated 16.4.2015, under Sections 147, 148, 149, 323, 435 and 506 IPC, 1860, registered at Police Station Pataudi, Gurugram and all subsequent proceedings arising therefrom on the basis of compromise dated 27.9.2021.

2. The brief facts are that FIR was registered at the instance of Pawan Thakaran. It was alleged that the complainant along with others went to stop the illegal construction being carried out by nephew of Krishan Numberdaar. The illegal construction was stopped by calling the police. When the complainant was returning, he was attacked by Krishan, his nephew and 50-60 unknown persons.

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

4. On 28.10.2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 27.9.2021.

5. The report dated 15.11.2021 is received, the relevant part is as below:

“In view of the statements of the interested parties, I am satisfied that they have compromised the matter amongst themselves without any fear, coercion or inducement and that the compromise has been voluntarily arrived at between them.

Hon'ble High Court has also sought the report regarding number of persons arrayed as accused in the FIR and whether any accused is declared proclaimed offender. ASI Pawan Kumar Belt No. 346, PS Pataudi (Investigating Officer) of the case suffered a statement that FIR No.152/15 was registered against accused Krishan son of Rattan Singh, Dhilu son of Yashwati, Manoj son of Yashwati, Vikas son of Yashwati, Sunny son of Dhanpati, Hunny son of Dhanpati, Shekhar son of Krishan, Bhup son of Ram Swaroop and against 50-60 other persons whose name was not mentioned. But the Challan/Final Report was given only against accused Krishan son of Rattan Singh and Raj Singh son of Tuhi Ram and others accused were found innocent during investigation and there is no proclaimed offender in this case.”

6. Learned counsel for the complainant submits that 50-60 persons allegedly accompanying the accused were unidentified persons and hence case is not being pursued against the unknown persons.

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 are from same village, they have bridged their differences and 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 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.

2nd December, 2021
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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>