

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

CRM-M-45488 of 2021

DECIDED ON: 9th December, 2021

Gurpreet Singh and others

.....PETITIONERS

VERSUS

State of Punjab and others

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Barjinder Singh, Advocate for petitioners.

Mr. Amit Mehta, Sr. DAG Punjab.

Mr. Chetan Kapoor, Advocate for respondents No. 2 and 3.

AVNEESH JHINGAN, J (ORAL)

This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 0172 dated 30.9.2021, registered under Sections 365, 323, 506 read with Section 34 IPC, 1860, registered at Police Station City Sangrur, District Sangrur and all subsequent proceedings arising therefrom on the basis of compromise.

2. The brief facts are that FIR was registered on the statement of Ashish Kumar @ AK. The complainant had solemnised the marriage with Kajal against the wishes of her parents of the bride. On 30.9.2021 they were beaten by the accused (petitioners).

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

4. On 29.10.2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

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

"... Similarly, accused Gurpreet Singh, Ravi, Davinder Singh and Gurpej Singh have stated that they have compromised the matter voluntarily with complainant. Ashish Kumar and victim Kajal without any pressure, undue influence, threat or coercion and out of their free will. They have further stated that they have neither been declared as proclaimed offender nor any proclamation proceedings are pending against them. They have prayed that FIR may kindly be quashed against them...."

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. Accused and complainants are relatives. Better sense prevailed and the marriage solemnized has been accepted by the parties. The parties have decided to live peacefully, bridged the differences, continuation of trial will

only add complication in the future life of the married couple. 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.

9th December, 2021
reema

(AVNEESH JHINGAN)
JUDGE

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