

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

CRM-M-47405-2021

Date of Decision: 13th December, 2021

Harvinder Singh @ Honey and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. S.S. Gill, Advocate for the petitioners.

Mr. S.S. Deol, DAG Punjab for the respondent-State.

Mr. B.S. Randhawa, Advocate for respondents No. 2 to 4.

AVNEESH JHINGAN , J.(Oral)

[1] This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No.44, dated 26th March, 2017, under Section 323, 324, 326, 148 and 149 IPC, registered at Police Station Majitha, District Amritsar Rural and all subsequent proceedings arising therefrom on the basis of compromise dated 1st October, 2021.

[2] The FIR was got registered by Jugraj Singh. As per the allegations on 26th October, 2016 complainant, his cousin brother and neighbourer Guwinder Singh were attacked by five accused Harvinder Singh @ Honey, Kanwar Nounihal Singh, Bachittar Singh, Mandeep Singh(petitioners) and Jasmeet Singh @ Jassa and injuries were inflicted.

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

[4] On 11th November, 2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 1st October, 2021.

[5] As per report dated 10th December, 2021 by JMIC, Amritsar no one have been declared proclaimed offender in the present case, compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue 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 same village and they have settled the differences and decide not to litigate any further. No useful purpose would be served by continuing with the trial, as chances of conviction are bleak. 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**

13th December, 2021

Parveen Sharma

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No