

250 **IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**
CRM-M-2169-2021
Date of Decision: 6th May, 2022

Jaskaran Singh and others

Petitioners

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Kartik Gupta, Advocate for the petitioners.
 Ms. Bhawna Gupta, DAG, Punjab.
 Mr. Kulwant Singh, Advocate for respondent No.2.

AVNEESH JHINGAN, J (Oral):

[1] This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 89, dated 3rd June, 2019, under Sections 323, 341, 451, 506, 148 and 149 IPC, registered at Police Station City Hoshiarpur, District Hoshiarpur and all subsequent proceedings arising therefrom, on the basis of compromise dated 24th December, 2020.

[2] The FIR was registered at the instance of Sameer Sharma. As per the allegations, on 29th May, 2019, the complainant was asked to come Bhagat Nagar by Charanjeet Singh @ Charanpreet @ Channi but he refused. Thereafter, four accused (petitioners) along with four unknown persons came to Kotwali Bazar and surrounded the office where the complainant was sitting alone and they inflicted injuries.

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

[4] On 15th January, 2021, the parties were directed to appear

before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 24th December, 2020.

[5] The report dated 8th April, 2021 is received, the relevant part is as below:

“ xxxx they have never been declared proclaimed person/offender in this case.

Xxx xxxx compromise between the parties is effected voluntary, without any pressure and coercion.”

[6] Learned counsel for the complainant on instructions submits that allegations against the unknown persons are not being pressed as no details are available of the said accused.

[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] The parties are from the same village and have settled the

issue. The accused are young boys, continuation of the trial would lead to have an impact on the future of the accused. There are bleak chances of conviction, 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.

[10] The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

6th May, 2022
Parveen Sharma

- | | | |
|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |