

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

CRM-M-1568 of 2020

DECIDED ON: 14th March, 2022

Jagmohan Singh and another

.....PETITIONERS

VERSUS

State of Punjab and another

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Vipin Mahajan, Advocate for petitioners.

Mr. Sandeep Kumar, DAG Punjab.

Mr. Vishal Manjwal, Advocate for respondent No.2.

AVNEESH JHINGAN, J (ORAL)

This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 85 dated 4.11.2019, under Sections 326, 324, 323, 341 read with Section 34 IPC, registered at Police Station Tibber, District Gurdaspur, Punjab and all subsequent proceedings arising therefrom on the basis of compromise.

2. As per FIR, Baljit Singh-complainant alleged that an incident took place on 30.10.2019 where accused stopped the motor cycle of the complainant and inflicted injuries on the non-vital part of the body.

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

4. On 15.1.2020, 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 6.2.2020 is received, the relevant part is as below:

“ ..1) It is submitted that all the parties to the petition have appeared for recording their statements. Therefore it appears that compromise is genuine.

2) It is further submitted that as per statement of Investigating Officer, there are only 02(two) accused persons in this case.

3) As per statement of Investigating Officer, no accused has been declared as Proclaimed Offneer in this case.”

6. Learned counsel for the parties submits that there is an earlier dispute between the parties.

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. There is no untoward incident after registration of the FIR. 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.

14th March, 2022
reema

(AVNEESH JHINGAN)
JUDGE

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