

239 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-2706-2022

Decided on: 24th February, 2022

Major Singh and others

Petitioners

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Shweta Sharma, Advocate for
Mr. Amandeep Singh Manaise, Advocate for the petitioners.
Mr. Sandeep Kumar, Deputy Advocate General, Punjab.
Mr. Gagandeep Singh, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

1. This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 75, dated 18th August, 2020, under Sections 323, 324, 452, 148 and 149 of Indian Penal Code (Section 326 IPC added later on), registered at Police Station Kotli Surat Mallian, Police District Batala, District Gurdaspur and all subsequent proceedings arising therefrom on the basis of compromise dated 28th December, 2021.

3. The FIR got registered at the instance of Kuldeep Kaur. As per the allegations, on 16th August, 2020, accused-Sarabjit Singh (at six number in present petition), came to the house of the complainant, raised a Lalkara, injuries were inflicted on the complainant. The bone contention of incident was a possession of agriculture land.

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

5. On 3rd February, 2022, the parties were directed to appear

before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 28th December, 2021.

6. The report dated 15th February, 2022 is received, the relevant part is as below:

“ xxxx None of the accused have been declared as proclaimed offender.

xxx

Therefore, from the statements of the parties, it appears that compromise entered into between the parties is genuine, voluntarily and out of free will.”

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 the same village, they have decided to proceed ahead rather than indulging in litigation. The dispute related to possession

of land there is no untoward incident between the parties after the FIR or the compromise. No useful purpose would be served by continuing with the trial, there is bleak chances of conviction. 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

24th February, 2022
Parveen Sharma

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