

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

206

CRM-M-2554-2020

Decided on: 2nd April, 2022

Ran Singh @ Maddu and another

Petitioners

Versus

State of Haryana and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Devinder Singh, Advocate for the petitioner.

Ms. Tanushree, DAG, Haryana.

Mr. R.S. Hooda, Advocate for the respondents No. 2 and 3.

AVNEESH JHINGAN, J (Oral):

This petition under Section 482 Cr.P.C. is filed for quashing of F.I.R. No.259, dated 27.12.2017, under Sections 294, 323, 34, 341, 427, 452, 506 IPC registered at P.S. Bawani Khera, District Bhiwani and all subsequent proceedings arising therefrom in view of compromise deed dated 10.12.2019.

The FIR was got registered by Sardar Singh alleging that on 26.12.2017 his car was stopped by Ran Singh @ Maddu, Suresh, Sachin and Ombir along with three other unknown persons. They were armed with axe and baseball bats. The petitioners gave an axe blow on the glass of the window. Other co-accused attacked the vehicle. The police filed challan against two accused (petitioners). Ombir was summoned under Section 319 Cr.P.C. The summoning order was set aside in a revision petition vide order dated 8.2.2022.

On 21.1.2020, the parties were directed to appear before the Illaqa Magistrate/trial Court for getting their statements recorded with regard to the compromise.

Report dated 3.2.2020 was received from the Judicial Magistrate First Class, Bhiwani and he has reported that the the matter has been effected between the parties with undue fear, pressure or coercion. Neither of the accused is absconding/PO in this case.

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.”

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.

Learned Counsel for the State has no objection.

The parties are from the same village, the incident was a result of heat of the moment and due to some misunderstanding. Now, they have chosen the path of forget and forgive rather than indulging in a litigation. 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.

The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

2nd April, 2022
anuradha

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