

268 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-3025-2020

Date of Decision: 20th May, 2022

Gurnek Singh

Petitioner

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Saurabh Bhatia, Advocate for the petitioner.
Mr. Amit Mehta, Sr. Deputy Advocate General, Punjab.
Mr. Raman Preet Singh, Advocate for
Mr. Madan Sandhu, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

[1] This petition was filed seeking quashing of the FIR No. 0104 dated 10.10.2019 under Sections 279, 337, 427 IPC registered at P.S. Cantt., Ferozepur and all consequential proceedings emanating therefrom on the basis of compromise.

[2] The FIR was result of the road side accident that took place on 5.10.2019. Complainant Navjot Singh sustained injuries.

[3] On 23.1.2020, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

[4] The report dated 5.3.2020 is received stating that the compromise is genuine and is without any pressure, coercion and volunteer.

[5] Learned counsel for the complainant has no objection if the FIR is quashed in view of the compromise.

[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] With the intervention of respectables, the parties have decided to proceed ahead rather than indulging in litigation. The said FIR was the result of the road side accident but fortunately there was no loss of life. 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.

[9] The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

20th May, 2022
anuradha

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