

251 **IN THE HIGH COURT OF PUNJAB & HARYANA**
AT CHANDIGARH
CRM-M-4901-2021
Date of Decision: 18th April, 2022

Kanwar Bhan and others

Petitioners

Versus

State of Haryana and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Anshul Khurana, Advocate for
 Mr. Saleem Ahmed, Advocate for the petitioners.
 Mr. Neeraj Poswal, AAG, Haryana.
 Mr. Sunil Kumar, 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. 351, dated 9th October, 2019, under Sections 323, 506 read with Section 34 IPC later on Section 325 IPC was added, registered at Police Station Faridabad Old, District Faridabad and all subsequent proceedings arising therefrom on the basis of compromise dated 17th September, 2020.

[2] The FIR was registered at the instance of Rattan Lal, alleging that on 9th October, 2019, his nephew Anuj along with the brother-in-law (Jija of the petitioner) came to his shop. There was a dispute regarding parking of the two wheeler which aggravated into an altercation and injuries were inflicted to the son of the complainant.

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

[4] On 16th February, 2021, the parties were directed to appear

before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 17th September, 2020.

[5] The report dated 2nd March, 2022 is received, the relevant part is as below:

“The statement of the complainant as well as accused recorded whereby complainant and accused stated that they have entered into compromise without any coercion or pressure. xxxxx The accused persons have never been declared proclaimed offender in this case.”

[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] The parties are relatives. It was due to mis-understanding that the incident took place. The parties have chosen the path of forgive and

forget to save their relationship to whatever extent possible. There are bleak chances of conviction. 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

18th April, 2022
Parveen Sharma

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