

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

CRM-M-4182-2022

Date of Decision: 26th April, 2022

Lakhwinder Singh and others

Petitioners

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sarbjit Singh, Advocate for the petitioners.
Mr. Amit Mehta, Sr. Deputy Advocate General, Punjab.
Mr. Gurjinder Singh Thind, Advocate
for respondents No. 2 and 3.

AVNEESH JHINGAN, J (Oral):

1. This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 78 dated 2.8.2021 under Sections 323, 324, 326, 148, 149, 506 IPC at P.S. Mehta, District Amritsar (Rural) on the basis of the compromise dated 13.9.2021.

2. The FIR was got registered at the instance of Tilak Raj. As per the allegations on 12.7.2021, accused were making noise outside the house of complainant, on objecting there were arguments which flared into altercation and injuries were inflicted on the complainant and his son.

3. On 2.2.2022, 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 15.3.2022 is received stating that the compromise is without any pressure, coercion and with free will of the parties. Further none of the accused has been declared as proclaimed offender.

5. 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.”

6. 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.

7. The parties are from the same village and four accused are teenagers. The parties have settled the differences and have decided to settle the issue and not to litigate further. 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.

8. The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

26th April, 2022
anuradha

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