

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

CRM-M-4656 of 2022

Date of Decision: 29th April, 2022

Sukhdev Raj and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Vipin Mahajan, Advocate for the petitioners.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. Randeep Singh, Advocate for respondent No. 2.

AVNEESH JHINGAN , J.(Oral)

This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 82 dated 3.8.2021, under Sections 326, 324, 323 read with Section 34 IPC, registered at Police Station Taragarh, District Pathankot and all subsequent proceedings arising therefrom on the basis of compromise dated 19.1.2022.

The FIR was got registered by Gulazari Lal. It was alleged that on 23.7.2021, his brother and nephew attacked him while being armed with danda and iron rod. Again on 26.7.2021, the accused (petitioners) came to the shop of the complainant and after alighting from a car inflicted injuries to him. The bone of contention for the incident was that the shop was given by the father of the complainant to him whereas his brother Sukhdev Raj and his son wanted to take possession of the shop.

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

On 7.2.2022, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 19.1.2022.

The report dated 9.3.2022 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence. Further that there are four accused (petitioners herein) and they have not been declared as proclaimed offender.

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.

The parties are relatives. With the intervention of friends and relatives, they have decided to forget and forgive and to save their relations to an extent possible. No useful purpose would be served by continuing with the trial. Due to compromise, there are bleak chances of conviction. 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**

29th April, 2022
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Whether reasoned/speaking	Yes
Whether reportable	Yes