

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4526 of 2022

Date of Decision: 25.3.2022

Parveen Kumar

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Vijay Lath, Advocate for the petitioners.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. Surender Sharma, Advocate for respondent No. 2.

AVNEESH JHINGAN , J.(Oral)

[1] This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 58 dated 29.5.2019, under Sections 341, 323, 324, 307, 294, 506, 148 and 149 IPC (Sections 148 and 149 IPC were deleted and Sections 325 and 201 IPC were added subsequently), registered at Police Station Sri Anandpur Sahib, Punjab and all subsequent proceedings arising therefrom on the basis of compromise dated 4.12.2021.

[2] Neeraj Sharma got registered an FIR alleging that on 23.5.2019. When he was coming back home, seven persons stopped him. Parveen Kumar inflicted an injury on his head, Balwinder Singh @ Kahsu raised lalkara and attacked with a sharp edged weapon. Parveen, Balwinder Singh and Sonu and unknown persons used abusive language and the accused intended to throw the complainant in the canal.

[3] In the case in hand, though Section 307 IPC was invoked, it is a case where no injury was declared dangerous to life. Merely on the

allegation that the accused intended to throw the complainant in the canal, Section 307 IPC was added. During investigation, two co-accused were found innocent and final report was filed against one accused, namely Parveen Kumar which *prima facie* raises a serious doubt on the allegation of intention to kill by throwing the complainant in the canal. The dispute had a background with regard to election of Sarpanch of the village.

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

[5] On 3.2.2022, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 4.12.2021.

[6] The report dated 2.3.2022 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence. Further that the accused has not been declared as proclaimed offender.

[7] 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.”

[8] 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.

[9] The parties have bridged their differences and have taken a path of forgive and forget. With the intervention of friends and relatives, they have decided to proceed ahead rather than indulging in litigation. No useful purpose would be served by continuing with the trial. Continuation of trial would hamper the steps taken by the complainant for ending the litigation and for moving ahead in the life. To meet the ends of justice, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

[10] The petition is allowed.

(AVNEESH JHINGAN)
JUDGE

25.3.2022

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Whether reasoned/speaking	Yes
Whether reportable	Yes