

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4510 of 2022

Date of Decision: 13th May, 2022

Ram Juwari and another

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Lajpat Rai Sharma, Advocate for the petitioners.
Ms. Geeta Sharma, DAG, Punjab.
Mr. Lovepreet Singh, Advocate for respondents No. 2 to 6.

AVNEESH JHINGAN , J.(Oral)

This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 7 dated 4.1.2015, under Sections 323, 452, 506, 34 IPC, registered at Police Station Model Town, Panipat and all subsequent proceedings arising therefrom, on the basis of compromise dated 25.1.2022.

As per the allegations in the FIR, the accused including the petitioners forcibly entered the house of Vinod and inflicted injuries to the complainant party (private respondents in the petition). As per the pleadings, after completion of investigation, challan was presented only against two accused (petitioners).

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

On 23.2.2022, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

The report dated 22.4.2022 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence. Further that there are two 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 have bridged their differences and have decided to buy peace of mind, rather than indulging in litigation. In view of the 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

13th May, 2022

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Whether reasoned/speaking	Yes
Whether reportable	Yes