

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

CRM-M-4885-2022

Date of Decision: 31st May, 2022

Bhajan Singh and others

Petitioners

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr.Aman Joon, Advocate for the petitioners.
Mr. Sandeep Kumar, Deputy Advocate General, Punjab.
Ms. Deepshikha Arora, Advocate for respondent No.2.

AVNEESH JHINGAN, J (Oral):

This petition under Section 482 Cr.P.C. is filed for quashing of Complaint No. 13 of 2016 dated 1.2.2016, under Sections 325, 323, 452, 427 read with Section 34 IPC, registered in the Court of Sub Divisional Judicial Magistrate, Ajnala, on the basis of compromise.

The complaint was filed at the instance of Ajit Singh. As per the allegations, the accused (petitioners) were encroaching the road by adding it to their farms. On 25.11.2015 the accused (petitioners) forcibly entered into the house of the complainant, petitioner No.4-Sukhwant Kaur grabbed the complainant from his hair and then petitioner No.3-Joga Singh inflicted injuries to the complainant.

Learned counsel for respondent No.2 has no objection if the complaint is quashed.

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.

The report dated 12.5.2022 is received stating that the

compromise is genuine, without any coercion or undue influence.

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 and they have bridged their differences. With the intervention of friends, they have decided to choose the path of forget and forgive, to save their relations. No useful purpose would be served by continuing with the trial. To meet the ends of justice and considering that there are bleak chances of conviction, the complaint mentioned above and all consequential proceedings arising therefrom are quashed.

The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

31st May, 2022
anuradha

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