

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-6486-2021

Date of Decision: 5th August, 2022

Tejinder Singh

Petitioner

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. KBS Mann, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. PPS Brar, Advocate for respondents No. 2 and 3.

AVNEESH JHINGAN, J (Oral):

[1] This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 137 dated 1.10.2020, under Sections 279, 337, 338, 427 IPC, registered at Police Station Jhander, District Amritsar Rural and all subsequent proceedings arising therefrom, on the basis of compromise.

[2] The FIR was registered at the instance of Kewal Singh, he alleged that a car driven by the petitioner in a rash and negligent manner hit his motorcycle and he was injured.

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

[4] On 11.2.2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

[5] The report dated 31.5.2021 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence.

[6] 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.”

[7] 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.

[8] The complainant was injured in road side accident. The parties have settled the dispute, there are bleak chances of conviction, no useful purpose would be served by continuing with the trial and to meet the ends of justice the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

[9] The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

5th August, 2022
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1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No