

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

CRM-M-5767-2022

Date of Decision: 20th April, 2022

Sukhraj Singh @ Aryan and another

Petitioners

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Naveen Batra, Advocate for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Raman Kumar, 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. 250, dated 6th November, 2021, under Sections 323, 324, 452 read with Section 34 IPC, registered at Police Station Tanda, District Hoshiarpur and all subsequent proceedings arising therefrom on the basis of compromise dated 30th January, 2022.

2. The FIR was got registered by Harbans Singh. As per the allegations on 4th November, 2021, one of the cracker was thrown by the Sukhraj Singh @ Aryan and Maninder Singh @ Mani towards the house of the complainant. Tampers flared up resulting in an altercation. Injuries were inflicted to the complainant party.

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

4. On 21st February, 2022, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 30th January, 2022.

5. The report dated 5th April, 2022 is received, the relevant part is as below:

“i) *That in the present case two persons are arrayed as accused in the FIR.*

ii) *No accused has been declared proclaimed offender in the present case.*

iii) *The compromise has been reached amicably between the parties with the intervention of respectables of locality voluntarily without any coercion or undue influence.”*

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 parties are neighbourers, they have bridged their differences, better sense has prevailed, they have decided to live peacefully rather than indulging in litigation. There are bleak chances of conviction. 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

20th April, 2022

Parveen Sharma

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