

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-7847 of 2021

Date of Decision: 11th May, 2022

Sarabjit Singh @ Shabba and others

Petitioners

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ankush Rampal, Advocate for the petitioners.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. Amit Thakur, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of complaint No. RBT/26/2015 dated 26.5.2015 titled “Harjinder Singh v. Sarabjit Singh etc.”, the summoning order dated 3.6.2015 and all subsequent proceedings arising therefrom on the basis of compromise dated 14.1.2021.

A complaint was filed at the instance of respondent No. 2- Harjinder Singh alleging that on 2.7.2014, the accused (petitioners) armed with weapons forcibly entered the house of respondent No. 2 and inflicted injuries to him.

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

The parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 14.1.2021.

The report dated 1.3.2021 is received stating that the

compromise is genuine, voluntary, without any coercion or undue influence. Further that there are seven accused (petitioners herein) and they have not been declared as proclaimed offender.

Learned counsel for the petitioners submits that petitioner No. 3 has expired during the pendency of the present petition.

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 belong to the same village. With the intervention of friends and relatives, they have decided to forget and forgive and to save their relations to an extent possible. No useful purpose would be served by continuing with the trial. Due to compromise, there are bleak chances of conviction. To meet the ends of justice, the complaint mentioned above and all consequential proceedings arising therefrom are quashed.

The petition is allowed.

11th May, 2022
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[AVNEESH JHINGAN]
JUDGE

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