

CRM-M-7894 of 2021

[1]

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7894 of 2021

Date of Decision: 8th July, 2022

Sunny Kumar & others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. R. S. Bajaj, Advocate for the petitioners.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. Ashok Giri, Advocate for respondents No. 2 to 5.

AVNEESH JHINGAN , J.(Oral)

This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 323 dated 6.11.2020, under Sections 323, 324, 341, 379-B, 336, 506, 148 and 149 IPC and Section 27 of the Arms Act, 1959, registered at Police Station Basti Bawa Khel, District Jalandhar and all subsequent proceedings arising therefrom on the basis of compromise.

The FIR was at the instance of Lakhvir Singh. On 5.12.2020, an altercation took place. The bone of contention was giving the water connection for construction of house of Balwinder Kaur and Surjit Kumar. The son of the complainant was inflicted injuries. His revolver was snatched by Joga Singh and shot was fired in air.

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

On 19.2.2021, the parties were directed to appear before the

Illaq Magistrate/trial court for getting their statements recorded with regard to compromise.

The report dated 18.3.2021 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence. Further that there are six 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 are from the same locality. The complainant is the Councillor of the area. The weapon was a licensed weapon and firing was done in the air. There was no injury inflicted by fire arm. 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 FIR mentioned above and all consequential proceedings arising therefrom are quashed.

The petition is allowed.

(AVNEESH JHINGAN)
JUDGE

8th July, 2022

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Whether reasoned/speaking
Whether reportable

Yes
No