

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

244

CRM-M-5817-2019
Date of Decision: 7th April, 2022

Arjun Singh and others

Petitioners

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Amit Arora, Advocate for the petitioners.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

Mr. Parminder Singh, 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. 126, dated 11.9.2013, under Sections 326/324/452/506/34 IPC, registered at Police Station Jhabhal, District Tarn Taran and all subsequent proceedings arising therefrom on the basis of compromise.

[2] The FIR was got registered by Kuldeep Singh alleging that on 29.8.2013 the petitioners armed with Datar and Daang came inside his house and inflicted injuries. The dispute is with regard to construction of a common wall.

[3] On 7.2.2019, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

[4] The report dated 6.3.2019 is received stating that the compromise is done voluntarily without there being any sort of pressure, threat or coercion from any corner. They are no declared proclaimed offenders.

[5] 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.”

[6] 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.

[7] The parties are neighbourers and the dispute was with regard to the construction of a common wall. They have bridged their differences. and have decided to proceed ahead rather than indulging in litigation. They have chosen the path of forget and forgive. No useful purpose would be served by continuing with the trial. To meet the ends of justice, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

[8] The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

7th April, 2022
anuradha

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