

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-8058 of 2022

Date of Decision: 6th April, 2022

Dalip Kaur and others

Petitioners

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. A. S. Bhatti, Advocate for the petitioners.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. Eklavya Darshi, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

This petition under Section 482 Cr.P.C. is filed seeking quashing of FIR No. 45 dated 28.2.2018, under Sections 297, 379, 427, 447, 506 and 511 read with Section 120-B IPC, registered at Police Station Meharban, District Ludhiana and all subsequent proceedings on the basis of compromise dated 16.2.2022.

The FIR was registered by Pakhar Singh. As per the contents of the FIR, the dispute was with regard to construction of a memorial of Sukhwinder Singh, who lost his life while catching a thief in England who had snatched the purse of a girl. There were differences amongst the residents of the village regarding the memorial. The construction was stopped in between and demolished. There are allegations that bricks and steel were taken away.

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

On 25.2.2022, the parties were directed to appear before the

Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise,

The report dated 14.3.2022 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence. Further that there are fifteen 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 with the intervention of respectables of the society entered into compromise. There were differences between the complainant and the petitioners with regard to construction of a memorial. Better sense has prevailed. The parties have bridged their differences and decided to live peacefully rather than indulging in litigation. Continuation of trial would hamper positive steps taken by the parties to settle the issue. 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

6th April, 2022
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |