

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Date of Decision: 5.8.2022

(1) CRM-M-9411 of 2022

Sahil Heer and others

... Petitioners

Versus

State of Punjab and others

... Respondents

(1) CRM-M-9641 of 2022

Tushar and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Sandeep Sharma, Advocate for the petitioners in
CRM-M-9411 of 2022 and for respondents No. 2 to 4 in
CRM-M-9641 of 2022.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. Manoj R. Sharma, Advocate for the petitioners in
CRM-M-9641 of 2022 and for respondents No. 2 and 3 in
CRM-M-9411 of 2022.

AVNEESH JHINGAN , J.(Oral)

These petitions under Section 482 of Code of Criminal Procedure are filed seeking quashing of FIR No. 24 dated 10.3.2021, under Sections 324, 323, 148 and 149 IPC (Section 201 IPC added later on) and DDR No. 23 dated 10.3.2021, under Sections 324, 323, 148, 149 IPC (Section 201 IPC added later on), registered at Police Station Adampur,

District Jalandhar and all subsequent proceedings arising therefrom on the basis of compromise.

As per the allegations in FIR registered by Sandeep, on 9.3.2021, the complainant along with his friend Bunty and Pandey, brother of Sunny, Manpreet along with 3-4 unidentified persons abused and attacked. Injuries were inflicted. Cross-version of the incident was reported by Sahil. The allegations are that on 9.3.2021, when he was returning after watching Shobha Yatra, he was attacked by the accused named in the DDR. They inflicted injuries upon him.

Learned counsel for the complainant in CRM-M-9411 of 2022 submits that he is not pursuing the allegations against unidentified persons as they were not identified.

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

On 8.3.2022, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

The report dated 4.4.2022 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence.

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 same village. With the intervention of friends and relatives, the parties 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 and the DDR mentioned above and all consequential proceedings arising therefrom are quashed.

The petitions are allowed.

(AVNEESH JHINGAN)
JUDGE

5.8.2022
mk

Whether reasoned/speaking	Yes
Whether reportable	Yes