

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

CRM-M-9535-2022

Date of Decision: 27th May, 2022

Balwant Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sukhbir Mandi, Advocate for the petitioners.
Mr. Sandeep Kumar, Deputy Advocate General, Punjab.
Mr. K.S. Bal, 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. 12, dated 1st March, 2019, under Sections 323, 324, 427, 148 and 149 IPC, registered at Police Station Chola Sahib, District Tarn Taran, on the basis of compromise.

2. The FIR was registered at the instance of Sarabjit Kaur. Petitioner No.1 is brother-in-law(*Jeth*) of respondent No.2. As per the allegations on 28th February, 2019, petitioner No.1 entered in the house of the complainant by jumping boundary wall. He broke the lock of the main gate. 40-45 unidentified unknown persons along with the accused(petitioners), took away the Eucalyptus logs and inflicted injuries to the complainant.

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

4. On 7th March, 2022, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 8th January, 2021.

5. The report dated 25th May, 2022 is received, the relevant part is as below:

“ They have stated having voluntarily compromised and accused according to which any sort of pressure from anyone.

xxx xxx None of them have ever been declared proclaimed offender in the present case.”

6. 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.”

7. 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.

8. Learned counsel for the complainant submits that the allegations against the unknown persons are not being pressed. The matter has been compromised.

8. The parties are family member and have bridged their differences. Parties have decided to forget and forgive, to safe their relations to extent of the possible, they have decided to proceed ahead rather than indulging in litigation. 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.

9. The petition is allowed.

(AVNEESH JHINGAN)
JUDGE

27th May, 2022

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No