

248 **IN THE HIGH COURT OF PUNJAB & HARYANA**
 AT CHANDIGARH
 CRM-M-10647-2021
 Date of Decision: 13th May, 2022

Sukraj Singh and others

Petitioners

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Manpreet Singh, Advocate for the petitioners.
 Mr. Sandeep Kumar, DAG, Punjab.
 Mr. Bikramjeet Singh Sidhu, 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. 61, dated 29th April, 2017, under Sections 380, 447, 448, 454, 427 and 511 of the Indian Penal Code, 1860, registered at Police Station City (South), District Moga, on the basis of compromise.
2. The FIR was registered at the instance of Gurbax Singh. The basis dispute was with regard to a piece of land purchased by Varinder Singh from Balbir Singh. An agreement to sell was entered by Varinder Singh with Gurtej Singh, Sukhraj Singh and Jarnail singh and they tried to take possession of land. FIR's were registered making allegations of taking forcible possession.
3. Learned counsel for the parties are *ad idem* that all the dispute and misunderstandings have been sorted out and the matter has been compromised amongst the parties.

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

5. On 8th March, 2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 24th July, 2018.

6. The report dated 9th April, 2021 is received, the relevant part is as below:

“The said compromise is genuine, voluntarily and without any coercion or undue influence entered into by him with the accused.

xxx it is forth coming that a compromise has been effected between above said complainant and accused.

No accused is proclaimed offender in the above said FIR.”

7. 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.”

8. 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.

9. The FIR was registered as a result of misunderstanding and dispute is with regard to inheritance, partition of land and agreement to sell resulted in further dispute as attempts were made to take possession. Parties have bridged their differences and decide not to litigate further. To meet the ends of justice, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

10. The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

13th May, 2022

Parveen Sharma

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