

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11241 of 2021

Date of Decision: 27th May, 2022

Budhram

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Saurabh Kaushik, Advocate for the petitioners.
Mr. Sandeep Kumar, DAG, Punjab.
Ms. Ramandeep Kaur, Advocate for respondent No. 2.

AVNEESH JHINGAN , J.(Oral)

This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 38 dated 7.4.2019, under Sections 452, 323, 294, 506 IPC, registered at Police Station Bhadson, District Patiala and all subsequent proceedings arising therefrom on the basis of compromise.

The FIR was at the instance of Ratan Jot Kaur. As per the allegations, the complainant was Sarpanch of the village. After elections, opponent ex-Sarpanch was harassing her and her husband and on 6.4.2019, Budh Ram (petitioner) and Darvesh Dass came to the house and used abusive language.

During investigation, Avtar Dass was found innocent.

Darvesh Dass died during the pendency of the proceedings.

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

On 10.3.2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 28.2.2021.

The report dated 8.4.2021 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence. Further that there is only one accused (petitioner herein) and he has 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 are from the same village. With the intervention of friends and relatives, they 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 mentioned above and all consequential proceedings arising therefrom are quashed.

The petition is allowed.

(AVNEESH JHINGAN)

JUDGE

27th May, 2022

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Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No