

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8552-2020

Date of Decision: 22nd July, 2022

Kanwaljit Singh and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. K.S.Mangat, Advocate for the petitioners.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. Varinder Basa, Advocate for the 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. 128 dated 10.12.2019, under Sections 323, 324, 148, 149 IPC, 1860 and Section 326 IPC added later on registered at Police Station Dera Baba Nanak, District Gurdaspur and all subsequent proceedings arising therefrom on the basis of compromise dated 18.2.2020.

[2] As per the allegations, on 23.11.2019 there was an altercation in which the accused (petitioners) inflicted injuries.

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

[4] On 27.2.2020, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

[5] The report dated 18.3.2020 is received stating that the compromise is genuine and is not the result of any pressure or coercion.

Further none of the accused has been declared as proclaimed person/offender.

[6] Learned counsel for the complainant submits that allegations against the unidentified persons are not being pressed.

[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 parties are from the same village and have bridged their differences. With the intervention of friends and relatives, 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.

[10] The petition is allowed.

(AVNEESH JHINGAN)
JUDGE

22nd July, 2022
anuradha

Whether reasoned/speaking
Whether reportable

Yes/no
Yes/no