

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8590 of 2020

Date of Decision: 24th May, 2022

Pardeep Singh and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Ms. Sukhpreet Kaur, Advocate for the petitioners.
Mr. Sandeep Kumar, DAG, Punjab.
Ms. Shveta Sanghi, 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.431 dated 27.12.2017, under Sections 452, 323, 341, 506 and 427 IPC, registered at Police Station Nakodar Sadar, District Jalandhar, on the basis of compromise dated 20.2.2020.

The FIR was got registered by Ravinder Singh. As per allegations, on 27.12.2017, there was a dispute with regard to tampering of electricity meter installed outside the house on an electricity pole. An altercation took place in which the complainant suffered injuries.

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

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 dated 20.2.2020.

The report dated 4.3.2020 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence. Further that there are two accused (petitioners herein) and they have 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 neighbours 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.

The petition is allowed.

(AVNEESH JHINGAN)

JUDGE

24th May, 2022

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Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No