

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

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CRM-M-12562-2021

Date of Decision : 10.03.2022

PAWANDEEP SINGH AND ORS

...Petitioners

versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Naveen Sharma, Advocate
for the petitioners.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

AVNEESH JHINGAN, J. (ORAL)

1. This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No.15, dated 02.02.2021, under Sections 341, 324, 323, 379-B, 506, 148 and 149 and all subsequent proceedings arising therefrom on the basis of compromise dated 13.03.2021.

2. The brief facts are that Harpreet Singh-complainant alleged that on 01.02.2021, he alongwith his friend Rupinder Singh were attacked by Bunty Gujjar alongwith 14-15 other persons. Injuries were inflicted and while going they took Rs.20,000/- from the upper pocket of the complainant alongwith the keys of the car. The allegations of snatching were that after giving beatings during the altercation the amount was taken by the accused.

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

4. On 18.03.2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 31.03.2021.

5. The report dated 02.04.2021 is received, the relevant part is as

below:

“In view of the abovesaid statements it appears that the compromise between the parties has been effected voluntarily, without any coercion or undue influence and is genuine and in view of statement of IO, all the accused are party to the compromise and none of the abovesaid accused in this case have been declared as Proclaimed Offender/Person in any of the other case till now and in abovesaid case there are total seven cases are pending against accused Pawandeep Singh and total six cases are pending against accused Jasvir Singh @ Seera.”

6. Learned counsel for the complainant on instructions submits that as unknown persons were not recognized, complainant does not intent pursue the matter against them.

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. Considering the facts that the parties are from the same village,

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the altercation was a result of an earlier fight which took place earlier. There was exaggeration while making allegations that the amount was snatched, no amount was recovered from accused. Parties have bridged their differences, decided to proceed ahead rather than indulging in litigation, there are bleak chance of conviction, to meet the end of justice and no useful purpose would be served by continuing with the trial, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

10. The petition is allowed.

10th March 2022
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes