

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

Date of Decision: 15th July, 2022

(1) CRM-M-11804 of 2022

Yadwinder Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

(2) CRM-M-11815 of 2022

Joginder Singh and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Rajan Bansal, Advocate for the petitioner in CRM-M-11804 of 2022 and for respondent No. 2 in CRM-M-11815 of 2022.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. Ashish Gupta, Advocate for the petitioners in CRM-M-11815 of 2022 and for respondents No. 2 and 3 in CRM-M-11804 of 2022.

AVNEESH JHINGAN, J.(Oral)

These two petitions are filed seeking quashing of Diary No. 16 dated 10.10.2021, under Sections 341, 323 read with Section 34 IPC and FIR No. 92 dated 9.10.2021 under Sections 323, 341 read with Section 34 IPC (Section 304 IPC added later on and deleted vide Rapat No. 25 dated 20.12.2021), registered at Police Station Bajakhana, District Faridkot and all other subsequent proceedings arising therefrom on the basis of compromise dated 25.1.2022.

The FIR was registered at the instance of Yadwinder Singh. The cross version was reported by Joginder Singh. As per allegations, on 7.10.2021 there was an altercation between two parties, injuries were inflicted to each other. The dispute was with regard to irrigating the fields from a joint motor.

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

On 6.4.2022, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

The report dated 30.4.2022, is received stating that the compromise is genuine, voluntary, without any coercion or undue influence. Further that there petitioners in both the cases are the accused 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 relatives. 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 and the DDR mentioned above and all consequential proceedings arising therefrom are quashed.

The petitions are allowed.

Photocopy of the order be placed on the file of connected case.

(AVNEESH JHINGAN)

JUDGE

15th July, 2022

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Whether reasoned/speaking	Yes
Whether reportable	Yes