

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

CRM-M-14635 of 2021

Date of Decision: 29.7.2022

Gurpreet Singh and another

Petitioners

Versus

State of U.T., Chandigarh and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. M. S. Batth, Advocate for the petitioners.
Mr. Shashank Bhandari, Addl. PP for UT, Chandigarh.
Mr. Sharyaveer Singh, Advocate for respondent No. 2.

AVNEESH JHINGAN, J (Oral):

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 195 dated 1.5.2016, under Sections 382, 341 IPC (Sections 323, 356, 379, 506, 34 IPC added subsequently), registered at Police Station Sector 17, Chandigarh and all subsequent proceedings arising therefrom on the basis of compromise dated 19.3.2021.

As per allegations in the FIR, the complainant was the owner of the premises which were rented. The tenant damaged and demolished the construction. Photograph was engaged by the complainant. When he tried to take photographs, his mobile was snatched. The complainant was caught and not allowed to reach the police post.

On 1.4.2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 19.3.2021.

The report dated 7.4.2021 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence and that there are two accused (petitioners herein).

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 dispute is between the tenant and the landlord. With the passage of time, better sense has prevailed and they have decided to forget and forgive. 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**

29.7.2022

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1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No