

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

CRM-M-16294-2021

Date of Decision: 18th April, 2022

Mohit Kumar @ Mohit Shukla and others

Petitioners

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ashish Verma, Advocate for
 Mr. Navjot Singh, Advocate for the petitioners.
 Mr. Sandeep Kumar, DAG, Punjab.
 Mr. Rohit Aggarwal, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

[1] This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 6, dated 9th February, 2021, under Sections 323, 324 and 506 read with Section 34 IPC, 1860 registered at Police Station Khamano, District Fatehgarh Sahib and all subsequent proceedings arising therefrom on the basis of compromise dated 16th March, 2021.

[2] The FIR was registered on behalf of the statement of Rakesh Kumar. As per the allegations in the FIR, on 8th February, 2021, there was an incident in which accused (petitioners) gave abuse and inflicted injury on the complainant party. The background of the incident was that few days back one of the neighbour of complainant abused his sister.

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

[4] On 20th April, 2021, the parties were directed to appear before

the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 16th March, 2021.

[5] The report dated 2nd July, 2021 is received, the relevant part is as below:

“He stated that the compromise is without any fear, influence, coercion and the same is out of his free will and wish and without any pressure.

Xxxx accused persons Mohit Kumar, Jai Parkash @ jeeti and Vijay Shukla @ Neela were never declared proclaimed offenders in the present case and no other criminal case is pending against them.”

[6] 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.”

[7] 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.

[8] The parties are neighbours and they have bridged their

differences and sorted out the misunderstanding. Continuation of the trial would result in hampering the steps taken by the parties for having the peaceful life rather than indulging in litigation. There are bleak chances of conviction. To meet the ends of justice, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

[9] The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

18th April, 2022
Parveen Sharma

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