

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11535 of 2020

Date of Decision: 25th May, 2022

Sarabjit Singh @ Saba

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.Amit Gupta, Advocate for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. Bikramjit Singh, 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. 6 dated 29.1.2020, under Sections 452, 324, 323, 427 and 506 IPC, registered at Police Station Behrampur, District Gurdaspur and all subsequent proceedings arising therefrom on the basis of compromise.

The FIR was registered at the instance of Manish Kumar. As per the allegations, on 29.1.2020, accused Sarabjit Singh @ Saba inflicted injuries with *datar*. The reason for the altercation was that father of the complainant had contested election against the accused and the accused lost the election.

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

On 18.3.2020, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 7.2.2020.

The report dated 17.11.2020 is received stating that the

compromise is genuine, voluntary, without any coercion or undue influence. Further that there is only one accused (petitioner herein) and he has 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 from the same village 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. Due to compromise, there are bleak chances of conviction. 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

25th May, 2022

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Whether reasoned/speaking

Yes

Whether reportable

Yes