

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14845 of 2022 (O&M)

Date of Decision: 8th July, 2022

Pravesh

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Karamjit Singh, Advocate for
Mr. V. P. Sangwan, Advocate for the petitioner.
Ms. Geeta Sharma, DAG, Haryana.
Ms. Anu Bala Garg, Advocate for the complainant.

AVNEESH JHINGAN , J.(Oral)

This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 189 dated 5.10.2020, under Sections 323 and 506 IPC (Section 325 IPC added later on), registered at police Station Jhojhu Kalan, District Charkhi Dadri and all subsequent proceedings arising therefrom on the basis of compromise.

The FIR was at the instance of Sonu. On 18.9.2020, Pravesh (petitioner) struck the complainant with his motor cycle and when he fell down, gave blows with iron rod.

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

On 7.4.2022, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

The report dated 8.6.2022 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 same locality. 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 mentioned above and all consequential proceedings arising therefrom are quashed.

The petition is allowed.

(AVNEESH JHINGAN)
JUDGE

8th July, 2022

mk

Whether reasoned/speaking
Whether reportable

Yes
No