

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

**CRM-M-17234-2022 (O&M)
Date of Decision: 31st May, 2022**

Bachittar Singh and others

Petitioners

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. B.S. Jaswal, Advocate for the petitioner.
Mr. Sandeep Kumar, Deputy Advocate General, Punjab.
Mr. Anil Gupta, Advocate for
Mr. Nitin Sharma, Advocate for respondents No. 2 to 4.

AVNEESH JHINGAN, J (Oral):

This petition under Section 482 Cr.P.C. is filed for quashing of FIR No. 170 dated 5.7.2014, under Sections 365, 379, 427, 506, 148 and 149 IPC and Section 25 of the Arms Act, 1959 registered at Police Station Beas, District Amritsar (Rural), on the basis of compromise dated 20.12.2021.

The FIR was registered at the instance of Sarbjit Singh. As per the allegations, the dispute was with regard to constructions of the rooms which were demolished by the accused and they took away one quintal of iron and five bags of cement.

Learned counsel for respondent No.2 to 4 has no objection if the FIR is quashed.

Learned State Counsel has stated that there were eleven accused and four had expired. He further submits that there was allegations of carrying a rifle but no recovery was made.

On 26.04.2022, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

The report dated 21.5.2022 is received stating that the

compromise is done voluntarily, out of their free will and without there being any sort of pressure or coercion from any corner. They are not declared proclaimed offenders.

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 neighbourers, they have bridged their differences. With the intervention of friends, they have decided to choose the path of forget and forgive rather than indulging in litigation. No useful purpose would be served by continuing with the trial. To meet the ends of justice and considering that there are bleak chances of conviction, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

31st May, 2022
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