

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

CRM-M-41021-2020

Date of Decision: 7th May, 2022

Himanshu, minor through his father-Pawan Kumar

Petitioner

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ashok Kumar khanna, Advocate for the petitioner.
 Mr. Amit Mehta, Senior DAG, Punjab.
 Mr. Roop Singh, 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. 0148, dated 2nd June, 2020, under Sections 323/324 read with Section 34 IPC, registered at Police Station Rama Mandi, Jalandhar and all subsequent proceedings arising therefrom, on the basis of compromise dated 8th June, 2020.
2. Brief facts of the case are that FIR was registered at the instance of Jawala. The allegations are that on 29th May, 2020, Himanshu along with three unidentified persons exhorted and inflicted injuries on the head, left thumb and left arm of the complainant.
3. The parties with the intervention of respectables have compromised the matter.
4. On 8th December, 2020, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 8th June, 2020.

5. The report dated 7th January, 2021 is received, the relevant part is as below:

“xxx that the compromise effected between the parties seems to be genuine. They have compromised the matter voluntarily and without any coercion or undue influence and statements recorded by the parties are not the result of any pressure and coercion.”

As per the file there is only one accused namely Himanshu s/o Pawan in the present FIR and he is not declared as proclaimed offender.”

6. Learned counsel for the complainant submits that the details of the alleged three unknown companions of the petitioner are not known, hence, the complainant is not pursuing the matter against the unidentified persons.

7. 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.”

8. 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.

9. The parties have resolved the issue. The incident was result of sudden provocation. Petitioner is minor, continuation of the trial would lead to have an impact on the future. There are bleak chances of conviction, 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.

10. The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

7th May, 2022
Parveen Sharma

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