

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

**CRM-M-19679-2022**

**Date of Decision: 31<sup>st</sup> May, 2022**

Sapna and others

Petitioners

Versus

State of Punjab and others

Respondents

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. Gaurav Sharma, Advocate for the petitioners.  
Mr. Sandeep Kumar, Deputy Advocate General, Punjab.  
Mr. B.S.Aulakh, Advocate for respondents No. 2 and 3.

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**AVNEESH JHINGAN, J (Oral):**

This petition under Section 482 Cr.P.C. is filed for quashing of FIR No. 74 dated 6.9.2021, under Sections 323, 452, 341, 506, 148 and 149 IPC, registered at Police Station Bhadaur, District Barnala on the basis of compromise.

The FIR was registered at the instance of Beti Nath. As per the allegations, there was a matrimonial dispute between the complainant and his wife (petitioner No.1) On 4.9.2021, the brother-in-law of the complainant along with two unknown persons and wife of the complainant came to the house of the complainant. There was an altercation and the brother-in-law of the complainant inflicted injuries to the complainant.

Learned counsel for respondents No.2 and 3 has no objection if the FIR is quashed.

On 9.5.2022, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

The report dated 20.5.2022 is received. The relevant part of the report is reproduced hereinbelow :-

*"In compliance, statements of petitioners/accused namely Sapna (petitioner No.1), Sonu @ Soni (minor) through his father Ranjha (petitioner No.2), Sunny Singh (petitioner No.3) as well as Beti Nath @ Banti Nath(respondent No.2) and Vishal (respondent No.3), on the identification of their respective counsels, have been recorded, whereby both the parties have admitted the effectiveness of compromise among themselves. They further stated that the compromise between them is genuine, voluntarily and without any coercion or undue influence. They further stated that in the present FIR, five persons i.e. petitioner No.1 Sapna, petitioner No.2 Sonu @ Soni, petitioner No.3 Sunny Singh and two other unknown persons are arrayed as accused and none of the accused has been declared proclaimed offender. They further stated that they have no objection if the FIR of the present case be quashed. Parties have placed on record photocopy of compromise Ex. P1.*

*Statement of ASI Bant Singh, who is Investigating Officer of this case, has also been recorded. During his statement ASI Bant Singh has stated that he is Investigating Officer of this case and in the present FIR, five persons i.e. petitioner No.1 Sapna, petitioner No.2 Sonu @ Soni, petitioner No.3 Sunny Singh and two other unknown persons are arrayed as accused and none of the accused has been declared proclaimed offender.*

*Ahlmad has also made report that as per FIR of this case, three accused namely Soni s/o of Ranjha Nath, Sunny s/o of Ranjha Nath and Sapna d/o Ranjha Nath (petitioners) have been arrayed as accused and there are two other unknown accused other than the petitioners in this case and as per CIS system, none of the accused has been declared proclaimed offender in this case.*

*As desired the report is as follows:-*

*(i) As per above statements and report, in the present FIR, five persons i.e. petitioner No.1 Sapna, petitioner No.2 Sonu @ Soni, petitioner No.3 Sunny Singh and two other unknown persons are arrayed as accused.*

*(ii) As per above statements and report, none of the accused has been declared proclaimed offender.*

*(iii) As per above statements and report, it appears that parties to*

*the present petition have voluntarily entered into compromise and the compromise between the party is genuine and without any coercion or undue influence.”*

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 relatives and 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**

**31<sup>st</sup> May, 2022**  
anuradha

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