

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-20361 of 2022

Date of Decision: 29.7.2022

Tejinder Singh Kochar

Petitioner

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vipul Babuta, Advocate for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. D. S. Khurana, Advocate for respondent No. 2.

AVNEESH JHINGAN, J (Oral):

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 228 dated 23.12.2021, under Sections 406 and 420 IPC, registered at Police Station Dugri, District Ludhiana and all subsequent proceedings arising therefrom on the basis of compromise.

As per allegations in the FIR, the dispute is between daughter-in-law and in-laws with regard to the share in moveable and immoveable property after the death of her husband.

On 12.5.2022, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

The report dated 22.7.2022 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence and 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 dispute is between the relatives. The parties have settled the differences and have decided to settle the issue and not to litigate any further. 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.

The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

29.7.2022

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