

CRM-M-20564 of 2022

[1]

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20564 of 2022

Date of Decision: 8th July, 2022

Dainy Nayyar @ Danial Nayyar & another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. A. K. Spehia, Advocate for the petitioners.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. S. K. Arya, Advocate for respondents No. 2 and 3.

AVNEESH JHINGAN , J.(Oral)

This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 97 dated 8.9.2020, under Sections 323, 324, 427, 452, 120-B and 506 IPC (Section 326 IPC added later on), registered at Police Station Patara, District Jalandhar Rural and all subsequent proceedings arising therefrom on the basis of compromise.

The FIR was at the instance of Balbir Singh. As per allegations, on 8.9.2020, the complainant along with Sandeep Kumar and Rajni were having breakfast in his shop when the petitioner-Danial holding *khanda* broke the glass of the door. He inflicted injuries to the complainant party. He was an ex-employee of the complainant, hence he was carrying a grudge.

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

On 13.5.2022, the parties were directed to appear before the

Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

The report dated 15.6.2022 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence. Further that there are two accused (petitioners herein) and they have 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 ex-employee and the employer. They have decided to proceed with their lives rather than indulging in litigation. 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.

CRM-M-20564 of 2022

[3]

The petition is allowed.

8th July, 2022

(AVNEESH JHINGAN)

JUDGE

mk

Whether reasoned/speaking

Whether reportable

Yes

Yes