

CRM-M-21941 of 2022

[1]

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21941 of 2022

Date of Decision: 8th July, 2022

Roshni and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Ms. Jasvir Kaur, Advocate for the petitioners.
Mr. Sandeep Kumar, DAG, Punjab.
Ms. Saachi Mahajan, Advocate for the complainant.

AVNEESH JHINGAN , J.(Oral)

This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 57 dated 2.5.2022, under Sections 324, 323, 148 and 149 IPC, registered at Police Station Nakodar Sadar, Jalandhar. and all subsequent proceedings arising therefrom on the basis of compromise.

The FIR was at the instance of Sonu. As per allegations, on 16.4.2022, during a birthday party of the son of the complainant, minor wrangling had taken place. Mother-in-law of the complainant was admitted in Civil Hospital. Brother-in-law of complainant namely Anil Kumar, Krishan, Arjun wife of complainant and Ravi Kumar came in a vehicle and inflicted injuries on the complainant.

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

On 19.5.2022, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

The report dated 6.6.2022 is received stating that the compromise is genuine, voluntary, without any coercion or undue

influence. Further that there are seven 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 parties are relatives, better sense prevailed and parties in order to save their relations to an extent possible have settled the dispute. 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.

The petition is allowed.

(AVNEESH JHINGAN)
JUDGE

8th July, 2022

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Whether reasoned/speaking	Yes
Whether reportable	No