

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

**CRM-M-26352-2021
Date of Decision: 31st May, 2022**

Gulab Singh and another

Petitioners

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Ruchi Sehkhri, Advocate for the petitioner.
Mr. Sandeep Kumar, Deputy Advocate General, Punjab.
Mr. B.S.Sra, Advocate for respondents No. 2 and 3.

AVNEESH JHINGAN, J (Oral):

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.92 dated 19.05.2020 registered under Sections 323, 336, 341 and 506 IPC read with Section 34 IPC and Section 25 and 27 of the Arms Act at Police Station Lalru, District S.A.S. Nagar (Mohali), on the basis of compromise dated 30.03.2021 (Annexure P-2).

The FIR was registered at the instance of Neetu Rani. As per the allegations on 18.5.2020 an incident took place due to overflow of the water tank. As per the allegations, the petitioner No.1 Gulab Singh gave a sword blow to the father of the complainant and petitioner No.2-Manpreet Singh fired from a pistol.

Learned counsel for respondent No.2 to 4 has no objection if the FIR is quashed.

Learned State Counsel has stated that provisions of Arms Act, 1959 were deleted from the FIR vide DDR No. 15 dated 30.7.2021.

On 3.2.2022, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

The report dated 2.5.2022 is received stating that the

compromise is done voluntarily, out of their free will and consent, without there being any sort of pressure or undue influence from any corner. They are not declared proclaimed offenders.

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, as well as neighbours and have bridged their differences. With the intervention of friends, they have decided to choose the path of forget and forgive each other 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

31st May, 2022
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