

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-25415 of 2022
Date of Decision: 5.8.2022**

Ajit Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Swarn Tiwana, Advocate for the petitioners.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. Naveen Kumar Mehra, Advocate for respondent No. 2.

AVNEESH JHINGAN , J.(Oral)

This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 143 dated 8.7.2021, under Sections 380 and 457 IPC, registered at Police Station Daresi, District Ludhiana at Police Station Sadar Tarn Taran and all subsequent proceedings arising therefrom on the basis of compromise.

As per allegations, the husband of the complainant-Surinder Kaur expired. She was taken by maternal uncle of her husband to his house. The keys of the house of the complainant were kept. Finally when the keys were delivered, the complainant found that household articles, gold ornaments were missing.

It is contended by learned counsel for the parties that there were exaggeration of allegations.

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

On 2.6.2022, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

The report dated 18.7.2022 is received stating that the

compromise is genuine, voluntary, without any coercion or undue influence. Further that there are six 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.

Though the allegations are under Section 380 IPC but the dispute is between the relatives.

The parties are related to each other. With the intervention of friends and relatives, the parties have decided to forget and forgive and to save their relations to an extent possible. 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

5.8.2022
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Whether reasoned/speaking	Yes
Whether reportable	Yes