

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

CRM-M-30707-2020

Date of Decision: 24th May, 2022

Vikas Ani @ Vikas Ally and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Rajneesh Kumar Shelly, Advocate for the petitioners.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. Manpreet Singh Dua, Advocate for respondent No.2.

AVNEESH JHINGAN , J.(Oral)

1. This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 238, dated 14th May, 2020, under Sections 452/323/ 341/ 188/ 506/ 147/ 149 of the Indian Penal Code, 1860, registered at Police Station Zirakpur, Tehsil Dera Bassi, District SAS Nagar, on the basis of compromise.

2. The FIR was registered at the instance of Harbinder Singh. As per the allegations, on 14th May, 2020, accused (petitioners) entered in the house of the brother of the complainant and gave him beatings. On hearing the noise, neighbourers gathered and got the brother of the complainant released.

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

4. On 8th January, 2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 2nd August, 2020.

5. The report dated 19th February, 2021 is received stating that that the parties have arrived at a compromise voluntarily, without any pressure and none of the accused have been declared as proclaimed offender.

6. 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.”

7. 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.

8. Parties are neighbourers and decided to forgive and forget rather than indulging in litigation. 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.

9. The petition is allowed.

(AVNEESH JHINGAN)
JUDGE

24th May, 2022

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No