IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of Decision: 29th July, 2022

(1) CRM-M-28770 of 2022

Kamaljit Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

(2) CRM-M-28777 of 2022

Ashwani Kumar @ Bittu and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. R. S. Sekhon, Advocate for the petitioner in CRM-M-28770 of 2022 and for respondent No. 2 in CRM-M-28777 of 2022.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. K. S. Saini, Advocate for petitioners in CRM-M-28777 of 2022 and for respondent No. 2 in CRM-M-28770 of 2022.

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AVNEESH JHINGAN , J.(Oral)

These petitions under Section 482 of Code of Criminal Procedure are filed seeking quashing of DDR No. 26 dated 16.7.2021, under Sections 323, 341, 506, 34 IPC and FIR No. 95 dated 15.7.2021, under Sections 323, 341, 307, 506, 34 IPC (Section 307 IPC deleted and Section 325 IPC added later on), registered at Police Station Nurpur Bedi,

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District Ropar and all subsequent proceedings arising therefrom on the basis of compromise.

Kamaljit Singh got registered an FIR alleging that on 14.7.2021, the vehicles parked in the wrong way were causing traffic jam, the complainant objected and crossed one of the vehicle. While he was returning back, accused Ashwani Kumar, Tirath Ram and Naveen Kumar were standing on the way with an intention to fight. They hit the door of the car of the complainant which hit the right side of his head. He was stuck between the door and was inflicted injuries. The cross-version of the incident was reported by Naveen Kumar Chandan.

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

On 8.7.2022, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

The report dated 22.7.2022 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence. Further that none of the accused in these petitions has 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 from same village. With the intervention of

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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 DDR and FIR mentioned above and all consequential proceedings arising therefrom are quashed.

The petitions are allowed.

Photocopy of the order be placed on the file of connected case.

(AVNEESH JHINGAN)
JUDGE

29th July, 2022
mk

Whether reasoned/speaking Yes
Whether reportable Yes

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