

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-28624-2022

Date of Decision: 22<sup>nd</sup> July, 2022

Vishal @ Sukhwinder Singh and another

... Petitioners

Versus

State of Punjab and another

... Respondents

**CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present : Mr. Nitin Narula, Advocate for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Sandeep Sharma, Advocate for respondent No.2

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**AVNEESH JHINGAN , J.(Oral)**

1. This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 105, dated 17<sup>th</sup> May, 2022, under Sections 323, 324, 506, 148 and 149 of Indian Penal Code, 1860, registered at Police Station Chheharta, District Police Commissionerate Amritsar and all subsequent proceedings arising therefrom, on the basis of compromise.

2. The FIR was registered at the instance of Jaswinder Singh. As per the allegations, on 15<sup>th</sup> May, 2022, the accused (petitioner) along with 4-5 unknown persons were creating nuisance, on objection injuries were inflicted to the complainant.

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

4. On 7<sup>th</sup> July, 2022, the parties were directed to appear before

regard to compromise.

5. The report dated 18<sup>th</sup> July, 2022 is received, the relevant part is as below:

*“ 1. Only two accused persons namely Vishal @ Sukhwinder Singh and Noor @ Bachanpal Singh are there in the present FIR.*

*2. None of the accused is a proclaimed offender in the present FIR.*

*3. The compromise between the parties is genuine, voluntary and without any coercion or undue influence and both accused are party to the compromise.”*

6. Learned counsel for respondent No.2 submits that allegations against 4-5 unknown persons are not pressed as they could not be identified.

7. 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.”*

8. 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.

9. Better sense has been prevailed between the parties and they have bridged their differences. They have decided to proceed ahead rather than indulging in litigation. No useful purpose would be served by continuing with the litigation, pendency of the petition will affect their future. To meet the ends of justice, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

10. The petition is allowed.

(AVNEESH JHINGAN )  
JUDGE

22<sup>nd</sup> July, 2022  
Parveen Sharma

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|---------------------------|-----|
| Whether reasoned/speaking | Yes |
| Whether reportable        | Yes |