

CRM-M-28554 of 2022

[1]

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

CRM-M-28554 of 2022

Date of Decision: 22nd July, 2022

Dilbagh Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Rajat, Advocate for the petitioners.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. Sudhanshu Khanna, 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. 32 dated 11.3.2022, under Sections 458, 379, 323, 34 IPC, registered at Police Station City-I, Abohar and all subsequent proceedings arising therefrom on the basis of compromise.

The FIR was at the instance of Soni Singh son of Kulwant Singh @ Kanta. As per the allegations made, an incident took place on 7.3.2022 as the complainant went to the house of his brother for advising his sister in law not to indulge in activities which bring bad name to the family. An altercation took place, injuries were inflicted. It was alleged that Dilbagh Singh (petitioner) took away Rs.30,000/- lying in the bed box.

Learned counsel for the petitioners submits that the dispute was between the relatives. The allegation of theft was an exaggerated story.

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

On 7.7.2022, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

The report dated 19.7.2022 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence. Further that there are four 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.

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

22nd July, 2022
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Whether reasoned/speaking	Yes
Whether reportable	Yes