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

CRM-M-32296-2021

Decided on: 18th February, 2022

Sunil Kumar and others

Petitioners

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rajesh Kapila, Advocate for the petitioners.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

Mr. Sushant Gupta, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

[1] Today physical hearing was held but on request of learned counsel for the petitioner, the matter is taken up by way of hybrid hearing.

[2] This petition under Section 482 Cr.P.C. is filed seeking quashing of FIR No.59, dated 7th June, 2021, under Sections 323, 326, 506 IPC read with Section 34 IPC, registered at Police Station Sekhwan, District Batala and all subsequent proceedings arising therefrom on the basis of compromise dated 2nd August, 2021.

[3] As per the allegations on 26th May, 2021, Sarabjit Singh (complainant in the FIR) was standing near Government Primary

School where Sunil Kumar (petitioner No.1) and Rajinder Singh @ Happy (respondent No.2) were abusing Angrej Singh, a mentally handicapped person of village. On raising an objection by the complainant, Happy @ Harwinder Pal (petitioner No. 3) came with *datar*. There was an altercation in which the complainant sustained injuries. There is cross-version of the case and DDR No. 8th June, 2021 was registered against the complainant for causing injuries to the petitioners.

[4] The parties are from the same village and with the intervention of respectables have compromised the matter.

[5] On 10th January, 2022, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 2nd August, 2021.

[6] The report dated 7th February, 2022 is received from Judicial Magistrate 1st Class, Batala. It is stated therein that there are three accused and none of them has been declared proclaimed offender. The compromise is genuine, voluntary and without any coercion or undue influence.

[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] There are version and cross-version of the case. The parties are from the same village and have bridged their differences. With the intervention of respectables, they have decided to proceed ahead rather than indulging in litigation. No useful purpose would be served by continuing with the trial as there are bleak chances of conviction. 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

18th February, 2022

pankaj baweja

1. Whether speaking/ reasoned	:	Yes
2. Whether reportable	:	Yes