

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

CRM-M-29960 of 2022

Date of Decision: 5.8.2022

Tejinder Singh and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Parveen Sharma, Advocate for the petitioners.
Mr. Gurmeet Singh, AAG, Haryana.
Mr. Pankaj Bali, Advocate for respondents No.2 to 5.

AVNEESH JHINGAN , J.(Oral)

This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 148 dated 17.5.2022, under Sections 148, 149, 323, 427, 447, 506 and 511 IPC, registered at Police Station Munak, District Karnal and all subsequent proceedings arising therefrom on the basis of compromise.

As per the allegations of Ratani , the accused named in the FIR were trying to take possession of the field being ploughed by the complainant for the last 34-35 years. On 10.4.2022, Dalbir Singh, Parveen Kumar and Tejinder Singh and others came on tractor armed with weapons to forcibly take possession and destroyed half acres of crop. When stopped by the complainant party, there was an altercation and injuries were inflicted. The dispute was with regard to possession of land.

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

On 14.7.2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

The report dated 4.8.2022 is received stating that the

compromise is genuine, voluntary, without any coercion or undue influence. It is informed that initially, there were seven accused. Four persons were declared innocent on 13.7.2022. Now there are three remaining 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.

With the passage of time, better sense has prevailed. 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

5.8.2022
mk

Whether reasoned/speaking	Yes
Whether reportable	Yes