

228 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-29444-2019 (O&M)
Date of Decision: 22nd April, 2022

Kabir Bajwa

Petitioner

Versus

State of U.T. Chanidgarh and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Kanwar Rajan, Advocate for the petitioner.

Mr. Rajiv Vij , APP, UT Chandigarh.

Mr. Prabhdeep Singh, Advocate for
respondents No. 2 and 3.

AVNEESH JHINGAN, J (Oral):

1. This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 0041, dated 5.2.2019, under Sections 453, 427 and 506 IPC registered at Police Station South Sector 34, Chandigarh and all subsequent proceedings arising therefrom, on the basis of compromise.

2. The FIR was registered at the instance of Gurcharan Singh, alleging a trespass by the accused-petitioner. The complainant is father-in-law of the petitioner. There was a matrimonial dispute and the FIR was a fall out of it.

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

4. On 8.4.2021, the parties were directed to appear before the

Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

5. The report dated 23.4.2021 is received, the relevant part is as below:

“ xxxxx he has not declared proclaimed offender in this case.

No other FIR has been registered against him in any other case. Xxxx

xxx the compromise between the parties is voluntary and the same has been arrived at between the parties without any undue influence or pressure.”

6. 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.”

7. 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.

8. The issue has been sorted out with the intervention of the elders. Couple has decided to part away and proceed ahead with their individual lives rather than indulging in litigation. Pendency of the trial will

only create complications. To meet the ends of justice and considering that there are bleak chances of conviction, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

9. The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

22nd April, 2022
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |