

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

Date of Decision: 5th April, 2022

(1) CRM-M-33081 of 2020

Raman Kumar and others

... Petitioners

Versus

State of Punjab and another

... Respondents

(1) CRM-M-33115 of 2020

Jatinder Kumar @ Nanu @ Jassi and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Abhishek Lubana, Advocate for the petitioners in
CRM-33081 of 2020 and for respondent No. 2 in
CRM-M-33115 of 2020.

Mr. Umesh Sharma, Advocate for the petitioners in
CRM-M-33115 of 2020 and for respondent No. 2 in
CRM-33081 of 2020.

Mr. K. S. Sidhu, DAG, Punjab.

AVNEESH JHINGAN , J.(Oral)

These two petitions are filed seeking quashing of FIR No. 116 dated 23.8.2016, under Sections 323, 324, 506, 148 and 149 IPC and DDR No.6 dated 23.8.2016, under Sections 323, 324, 506, 148 and 149 IPC, registered at Police Station City Hoshiarpur.

There is a version and cross-version of an incident that took place on 23.8.2016. The FIR was registered on the statement of Raman

Kumar and DDR was got recorded by Jatinder Kumar @ Nanu. An altercation took place between the parties while they were consuming liquor in an ahata near Shimla Pahari Chowk Hoshiarpur. Both the parties sustained injuries.

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

On 16.10.2020, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 30.9.2020.

The reports dated 10.12.2020 are received stating that the compromise has been freely entered into between the parties without any undue influence, coercion or pressure of any kind and no proclamation proceedings are pending against either of the parties.

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 with the intervention of respectables of the society entered into compromise. They opted for a peaceful life and harmony rather than indulging in litigation. No useful purpose would be served by continuing with the trial. There are bleak chances of conviction. To meet the ends of justice, the FIR and DDR mentioned above and all consequential proceedings arising therefrom are quashed.

The petitions are allowed.

Photo copy of the order be placed on the file of connected case.

(AVNEESH JHINGAN)
JUDGE

5th April, 2022
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Whether reasoned/speaking	Yes
Whether reportable	Yes