

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

**CRM-M-40019 of 2021
DECIDED ON: 7th January, 2022**

Rajwant Singh and another

.....PETITIONERS

VERSUS

State of Punjab and another

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Swarn Tiwana, Advocate for petitioners.

Mr. Sandeep Kumar, DAG Punjab.

Mr. Gitish Bhardwaj, Advocate for respondent No.2.

AVNEESH JHINGAN, J (ORAL)

Due to COVID-19 situation, the Court is convened through video conference.

2. This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 312 dated 10.11.2020, under Sections 323, 341, 325, 379, 506 read with Section 34 IPC, 1860, registered at Police Station Sirhind, District Fatehgarh Sahib and all subsequent proceedings arising therefrom on the basis of compromise dated 20.5.2021.

3. The brief facts are that FIR was registered on the statement of Hardeep Singh who is running liquor shops in Patiala and Rajpura. On 31.10.2020, the complainant alongwith his uncle was going to Patiala. On reaching the passage leading to house of the complainant, Rajwant Singh in drunken condition was sitting on his motorcycle. He stopped the car of the complainant and started abusing the complainant. The complainant turned around his car and found that wife and children of Rajwant Singh were standing near his house. His car was stopped and he was abused. The complainant went to his house after parking the car. Later on after checking the car it was found that key of the car and Rs.2 lakhs were missing and one

gold chain also fell during the incident.

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

5. On 27th September, 2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 20.5.2021.

6. The report dated 21.10.2021 is received, the relevant part is as below:

“1) There are only two accused persons in the above noted FIR i.e. accused Rajwant singh and Poonamjeet Kaur.

2) As per the statement of the parties and ASI Jasvir Singh, Investigating Officer, no accused is declared as proclaimed offender in the present case.

3) As per statement of both the parties, 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. Parties are from same village, they have bridged their differences and have decided to proceed ahead rather than indulging in litigation. No useful purpose would be served by continuing with the trial. 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.

10. The petition is allowed.

(AVNEESH JHINGAN)
JUDGE

7th January, 2022

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>