

273 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-34455-2020
Date of Decision: 24th May, 2022

Joban Jeet @ Joban Singh and others Petitioners
Versus

State of Punjab and others Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rahul Bhargava, Advocate for the petitioners.
Mr. Sandeep Kumar, Deputy Advocate General, Punjab.
Mr. Aarti Kaur, Advocate for respondents No. 2 and 3.

AVNEESH JHINGAN, J (Oral):

This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 22, dated 29.2.2020, under Sections 323, 336, 148, 149 IPC and under Section 25 of Arms Act, 1949, registered at Police Station D-Division, District Amritsar City, on the basis of compromise (Annexure P-2)

The FIR was got registered at the instance of respondent No.2- Johil Sharma. As per the allegations, on 29.2.2020 the complainant was taken from his shop by Abhi who took him to rehri where Maninder Singh, Joban Singh(petitioners), Dhillon along with 2/3 unidentified persons were present there. Then, Abhi caught the complainant from hands and Joban started giving slaps, Maninder Singh gave fist blow and Dhillon gave injury by some sharp edged article. On raising the alarm, brother of the complainant came and he was also given beatings by the accused. Joban Singh fired a shot.

Learned counsel for the petitioners submits that there was no fire arm injury and the weapon used was a licensed weapon.

Learned Counsel for the complainant has no objection if the FIR is quashed.

On 29.10.2020, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

The report dated 28.1.2021 is received stating that the compromise is genuine, voluntary and without any coercion or undue influence and is outcome of their free will.

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.

Considering that though the provisions of Arms Act were invoked but it is a case where no injury was suffered by the complainant party, the weapon used was a licensed weapon and the dispute was only with regard to serving of the food by the complainant party in front of the shops of the accused. The parties are from the same locality and have bridged their differences. With the intervention of friends and relatives, they 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.

The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

24th May, 2022
anuradha

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