

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

Date of Decision: 27th May, 2022

270 CRM-M-39454-2021 (O&M)

Rajeev Kumar Kaplish and others

Versus

State of Punjab and another	Respondents
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270-2 CRM-M-40125-2021 (O&M)

Neetu Kaplish

Versus

State of Punjab and another	Respondents
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CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Parunjeet Singh, Advocate for
petitioner in CRM-M-40125-2021
for respondent No.2 in CRM-M-39454-2021.

Mr. Gurcharan Dass, Advocate for the petitioners in
CRM-M-39454-2021
for respondent No.2 in CRM-M-40125-2021.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

AVNEESH JHINGAN, J (Oral):

1. These two petitions under Section 482 of Code of Criminal Procedure are filed seeking quashing of FIR No. 175, dated 31.8.2021 under Sections 323, 341, 506 read with 34 IPC, and complaint in cross case in the said FIR vide GD No. 23 dated 31.8.2021 registered at Police Station City-2, Khanna, District Ludhiana and all subsequent proceedings

4 arising therefrom on the basis of compromise dated 13.9.2021.

2. The FIR was registered on the statement of Neetu Kaplish and the cross case was reported on the statement of Rajeev Kumar Kaplish. As per the allegations, there was a family dispute with regard to the immovable property which resulted into an incident that occurred on 30.08.2021 and both the parties suffered injuries. There is a version and cross version of the incident.

3. Learned counsel for the parties have no objection if the FIR and cross case are quashed.

4. On 22.9.2021, 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 10.12.2021 is received stating that the compromise has been effected with their own free will and consent and without any pressure and coercion from any corner or undue influence.

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 parties are from the same family and to save their relationship, they 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 and complaint mentioned above and all consequential proceedings arising therefrom including cross case are quashed.

9. The petitions are allowed.

10. Since the main case have been decided, the pending application, if any, is rendered infructuous.

11. A photocopy of this order be placed on the file of connected case(s).

[AVNEESH JHINGAN]
JUDGE

27th May, 2022
anuradha

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