

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

Date of Decision: 19th May, 2022

1. CRM-M-34615-2020

Naveen Kumar and another

... Petitioners

Versus

State of Punjab and others

... Respondents

2. CRM-M-34719-2020

Kamaldeep and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Mikhail Kad, Advocate
for the petitioners in CRM-M-34719-2020 and
for the respondents in CRM-M-34615-2020.

Mr. Neeraj Yadav, Advocate
for the petitioners in CRM-M-34615-2020 and
for the respondents in CRM-M-34719-2020.

Mr. Sandeep Kumar, DAG, Punjab.

AVNEESH JHINGAN, J.(Oral)

1. These two petitions under Section 482 of Code of Criminal Procedure are filed seeking quashing of DDR No. 02, dated 31st August, 2020 in/and FIR No. 123, dated 30th August, 2020, under Sections 452 and 323 read with Section 34 of the Indian Penal Code, 1860, registered at Police Station Tappa Mandi, District Barnala, on the basis of compromise.

2. The FIR was registered at the instance of Naveen Kumar and DDR was reported on the statement of Kamal Kumar. There is a version and cross-version of the incident that took place on 30th August, 2020. The dispute was with regard to the parking of the car. The altercation flared up and injuries were inflicted to both the parties.

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

4. On 8th January, 2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 3rd September, 2020.

5. The report dated 16th February, 2021 is received stating that that the compromise is genuine and none of the accused is declared proclaimed offender.

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. Parties are neighbourer, the minor issue regarding parking flared up and the incident occurred in the heat of the moment. The parties have settled the dispute and decided to forgive and forget rather than indulging in litigation. No useful purpose would be served by continuing with the trial as there are bleak chances of conviction. To meet the ends of justice and the DDR and FIR mentioned above and all consequential proceedings arising therefrom are quashed.

9. The petitions are allowed.

10. Photocopy of this order be placed on the file of connected case.

(AVNEESH JHINGAN)
JUDGE

19th May, 2022

Parveen Sharma

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No