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

CRM-M-40669-2021

Date of decision: 10.01.2022

Ashish @ Golu and others

Petitioners

Versus

State of Haryana and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ravi Malik, Advocate for the petitioners.

Mr. Sumit Jain, Additional Advocate General, Haryana.

Mr. Mohan Singh, Advocate for the respondents No. 2 and 3.

AVNEESH JHINGAN, J. (Oral):

[1] The matter is taken up for hearing through video conference due to COVID-19 situation.

[2] This petition under Section 482 Cr.P.C. is filed for quashing of FIR No. 256, dated 7th October, 2020 under Sections 323, 341, 365, 367, 506 IPC read with Section 34 IPC, registered at Police Station Narwana Sadar, Jind, District Jind and all other subsequent proceedings on the basis of compromise dated 23rd September, 2021.

[3] The FIR was got registered by Nikhil alleging that on 6th October, 2020 when he was returning from school, four accused came on two motorcycles and forced him to sit on motorcycle driven

by Munda. They took the complainant to Kanal near Santhali Road and asked him to call his friends Mohit and Vakil. The complainant made a call to Mohit and Vakil and asked them to come but they refused. He was inflicted injuries on legs, hands and waist by the accused.

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

[5] On 29th September, 2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 23rd September, 2021.

[6] The report dated 19th October, 2021 is received stating therein that none of the accused have been declared as proclaimed offender and the compromise is genuine.

[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] The petitioners are in the age of 20s and complainant is minor. The better sense has prevailed and the matter has been compromised with the intervention of the respectables. Considering that the differences have been bridged and the fact that trial will affect the future of the petitioners, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

[10] The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

10th January, 2022
pankaj baweja

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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |