

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

CRM-M-37231-2020

Date of Decision: 22nd April, 2022

Davinder Singh and others

Petitioners

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sachin Ohri, Advocate for the petitioners.

 Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

 Mr. Vishal Kumar, Advocate for respondent No.2.

AVNEESH JHINGAN, J (Oral):

1. This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 7, dated 21st January, 2020, under Sections 452/326/324/323/506 read with Section 34 IPC registered at Police Station Dorangla District Gurdaspur and all subsequent proceedings arising therefrom, on the basis of compromise dated 17th February, 2020.

2. The FIR was registered at the instance of Angrej Singh. An incident occurred on 1st January, 2020. The cross-version of the incident was reported by way of the FIR No.8, dated 22nd January, 2020, under Sections 452/324/323/506/427/148/149 IPC (Section 326 IPC added later on), registered at Police Station Dorangla, District Gurdaspur.

3. The parties with the intervention of respectables have compromised the matter. The FIR 8, dated 22nd January, 2020 was quashed by this Court on 9th October, 2020 on the basis of compromise.

4. On 11th November, 2020, 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 24th December, 2020 is received as per which the compromise is genuine, valid and without any pressure or coercion in any manner. None of parties to petition is declared proclaimed person in the above noted FIR and also no other criminal proceedings are pending between the parties at Police Station Dorangla.

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 neighbourers, they have bridged their differences, better sense has prevailed, they have decided to live peacefully rather than indulging in litigation. There are bleak chances of conviction. To meet the ends of justice, the FIR mentioned above and all consequential

proceedings arising therefrom are quashed.

9. The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

22nd April, 2022
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No