

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-40022-2020

Date of Decision: 29th April, 2022

Sandeep Kumar and another

Petitioners

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Gulshan Moudgil, Advocate for
Mr. V.K. Thakur, Advocate for the petitioners.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

Mr. Kanishak Sawarup, 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. 233, dated 18.11.2015, under Sections 307, 323, 324, 325, 34 IPC, registered at Police Station Sadar Jagraon, District Ludhiana and all subsequent proceedings arising therefrom on the basis of compromise.

[2] The FIR was registered at the instance of Charanjit Singh. As per the allegations on 18.11.2015 the complainant reached Brick Kiln and Sandeep Kumar and Prem Kumar (petitioners) along with other unidentified persons were present there. They were armed with swords and Baseball bat. They gave beatings to the complainant and inflicted injuries.

[3] On 3.12.2020, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with

regard to compromise dated 12.4.2017.

[4] The report dated 4.2.2022 is received from Sub Divisional Judicial Magistrate, Jagron stating that the compromise is effected with their free consent, without any coercion, pressure or undue influence and with his own free will. They are not declared proclaimed offenders.

[5] 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.”

[6] 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.

[7] Mr. Kanishak Sawarup, Advocate appears on behalf of respondent No.2 and states that he has no objection if the FIR is quashed. He further states that the case against unidentified persons is not being pursued.

[8] The reason for the incident was the dispute relating to the business of the brick kiln. With the intervention of friends and relatives, parties have decided to take the path of forgive and forget and 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, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

[9] The petition is allowed.

29th April, 2022

anuradha

[AVNEESH JHINGAN]
JUDGE

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No