

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

CRM-M-42653-2020

Date of Decision: 6th May, 2022

Angrej Singh and another

Petitioners

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Arshdeep Singh, Advocate for the petitioners.
 Ms. Bhawna Gupta, DAG, Punjab.
 Mr. Amarinder Preet Singh, Advocate for
 Mr. C.S. Jatana, 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. 95, dated 20th June, 2010, under Section 324 read with Section 34 IPC, (326 IPC added later on), registered at Police Station Sadar Moga, District Moga and all subsequent proceedings arising therefrom, on the basis of compromise dated 19th November, 2020.

[2] The FIR was registered at the instance of Rashpal Singh, an incident took place on 16th June, 2010 and injuries were inflicted. The bone of the contention was a matrimonial dispute and when attempt was being made to sort out the differences, the issues flared up resulting into the alleged incident.

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

[4] On 24th February, 2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded

with regard to compromise dated 19th November, 2020.

[5] The report dated 8th March, 2021 is received, the relevant part is as below:

“ The compromise between them has been effected with the intervention of respectables of the village.They have compromised the matter without any pressure or coercion and with their own sweet will. He has no objection if the said FIR is quashed. No other criminal case is pending between them. No accused has been declared proclaimed offender in this case.”

[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 issue was sorted out with the intervention of the elders. Good sense has prevailed and parties have decided to forgive and forget

rather than indulging in litigation. There are bleak chances of conviction and pendency of the trial will only create complications. 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

6th May, 2022

Parveen Sharma

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