

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

CRM-M-43164-2020

Date of Decision: 31st May, 2022

Satnam Singh and others

Petitioners

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. L.S.Sidhu, Advocate for the petitioners.
Mr. Sandeep Kumar, Deputy Advocate General, Punjab.
Mr. Brahmeet Singh, Advocate for respondents No. 2 to 5.

AVNEESH JHINGAN, J (Oral):

This petition under Section 482 Cr.P.C. is filed for quashing of FIR No. 30 dated 15.6.2019, under Sections 452/326/324/323/148/149 IPC registered at Police Station Verowal, District Tarn Taran, on the basis of compromise dated 4.9.2019.

The FIR was registered at the instance of Gurmej Singh. As per the allegations on 1.6.2019 there was a dispute with regard to wall being constructed by the complainant. The accused entered to the house of the complainant, an altercation took place and they inflicted injuries to the complainant and his family members. The motive behind the incident was to stop the complainant from constructing the wall.

Learned counsel for respondent No.2 to 5 has no objection if the FIR is quashed.

On 21.12.2020, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

The report dated 6.4.2021 is received stating that the

compromise is genuine, voluntarily without any coercion or undue influence and with their free will. They are not declared proclaimed offenders.

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.”

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.

The parties are neighbours and they have bridged their differences. With the intervention of friends, they have decided to choose the path of forget and forgive rather than indulging in litigation. No useful purpose would be served by continuing with the trial. To meet the ends of justice and considering that there are bleak chances of conviction, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

31st May, 2022
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