

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

CRM-M-51127-2021

Date of Decision: 19th April, 2022

Surender Kumar and others

Petitioners

Versus

State of Haryana and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Mohit Kakkar, Advocate for the petitioners.
 Ms. Geeta Sharma, Deputy Advocate General, Haryana.
 Mr. Jatin, 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. 90, dated 16th June, 2021, under Sections 323, 324, 34, 341 and 506 of IPC, 1860 (Section 326 of IPC, 1860 added later on), registered at Police Station Ding, District Sirsa, Haryana and all subsequent proceedings arising therefrom on the basis of compromise dated 22nd November, 2021.

[2] The FIR was registered at the instance of Surender Kumar. There was a dispute between the relatives due to the possession of land inherited by them. There was an incident on 22nd May, 2021, where both the parties sustained injuries. Cross versions of the incident were reported. FIR No. 91, dated 16th June, 2021, under Sections 323, 324, 34 and 506 was cancelled after investigation.

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

[4] On 14th March, 2022, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 22nd November, 2021.

[5] The report dated 1st April, 2022 is received, the relevant part is as below:

“ The compromise is between the parties is genuine and correct and is not the result of any fraud and misrepresentation. Xxxx

They further stated that they were not involved in any other criminal case nor they have been declared proclaimed person by any Court of law.”

[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 relatives. The parties have chosen the path of

forgive and forget in an attempt to save their relationship to whatever extent possible. No useful purpose would be served continuing with the trial. The continuation of trial would only hamper the steps taken by the parties to resolve the issues. 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

19th April, 2022
parveen sharma

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