

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

CRM-M-53147-2021

Decided on: 21st February, 2022

Nirmal Singh

Petitioner

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vivek Gupta, Advocate for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.
Ms. Kajal, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

1. Due to COVID-19 situation, the Court is convened through video conference.
2. This petition under Section 482 of Code of Criminal Procedure is filed for quashing of FIR No. 201, dated 26th October, 2019, under Sections 341, 323, 506 and 427 of Indian Penal Code, 1860 and challan dated 15th April, 2020 filed under Sections 341, 307, 323, 506 and 427 IPC, 1860, registered at Police Station Sadar Nabha, District Patiala and all subsequent proceedings arising therefrom on the basis of compromise dated 14th December, 2021.
3. The FIR was got registered at the instance of Manpreet Kaur-complainant. As per the allegations, there was a dispute between the brother, sister and brother-in-law with regard to the partition of the property. Nirmal Singh struck his car against the car of husband of the complainant.
4. The parties with the intervention of respectables have

compromised the matter.

5. Learned counsel for the parties agreed that Section 307 of Indian Penal Code, 1860, was invoked only on the basis of intention.

6. On 21st December, 2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 14th December, 2021.

7. The report dated 17th January, 2022 is received, the relevant part is as below:

“ They have also given statement to the effect that the compromise has been effected between the parties with the intervention of the respectables of the society, voluntarily, with their free will and without any coercion.

There is no other accused in the present case or no person has been declared proclaimed offender by the Court in the present case.

He also submitted that accused Nirmal Singh is not required in any other FIR.”

8. 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.”

9. 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.

10. The parties are relatives, the dispute was with regard to partition of property. Though Section 307 IPC is invoked but as per the MLR, there are only abrasions. There is no injury declared dangerous to life. The FIR is of 2019, there is no untoward incident after this registration of the FIR. There is an attempt by the parties to save their relationship and bridge their differences. To meet the ends of justice, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

11. The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

21st February, 2022

Parveen Sharma

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