

237

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

CRM-M-54270-2021

Decided on: 21st February, 2022

Tarsem Singh and others

Petitioners

Versus

State of Haryana and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ashok Kumar, Advocate for the petitioners.

Ms. Geeta Sharma, Deputy Advocate General, Haryana.

Mr. Aarish Kamboj, Advocate for the respondent No.2.

AVNEESH JHINGAN, J (Oral):

[1] Due to COVID-19 situation, the Court is convened through video conference.

[2] This petition under Section 482 Cr.P.C. is filed seeking quashing of FIR No.752, dated 29th November, 2021 under Sections 148, 149, 323, 427 and 506 IPC, registered at Police Station Civil Lines, Karnal and all subsequent proceedings arising therefrom on the basis of compromise dated 18th December, 2021.

[3] Mandeep got registered an FIR alleging that on 27th November, 2021, he was attacked by the accused (petitioners). The cause of incident was scuffle which took place between the complainant, his brother and Tarsem Singh. The matter was

compromised but parties were carrying grudge.

[4] The parties are from the same locality and with the intervention of respectables have compromised the matter.

[5] On 23rd December 2021 the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 18th December, 2021.

[6] The report dated 17th January, 2022 is received from Judicial Magistrate 1st Class, Karnal. It is stated therein that there are six accused and none of them has been declared proclaimed offender. The compromise is genuine, voluntary and without any coercion or undue influence.

[7] 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.”

[8] 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.

[9] The parties are from the same locality and have bridged

their differences. With the intervention of respectables, they have decided to proceed ahead rather than indulging in litigation. No useful purpose would be served by continuing with the trial as there are bleak chances of conviction. To meet the ends of justice, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

[10] The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

21st February, 2022
pankaj baweja

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