

**261 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-44126-2019

Date of Decision: 19th May, 2022

Charan Dass and others

.. Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Nitin Sharma, Advocate for
Mr. B.S. Jaswal, Advocate for the petitioners.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. R.C. Sharma, 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 18th June, 2016, under Sections 326, 341, 323 and 506 read with Section 34 of the Indian Penal Code, 1860, registered at Police Station Mehatpur, District Jalandhar, on the basis of compromise.

2. The FIR was registered at the instance of Gurdev Singh. As per the allegation Charan Dass, Karmajit and Santokh armed with *dang*, *gandasi* and *kirpan* respectively, along with Asha Rani surrounded the tractor of the son of the complainant and injuries were inflicted.

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

4. On 17th October, 2019, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 28th September, 2019.

5. The report dated 16th November, 2019 is received stating that

that the parties have arrived at a compromise voluntarily and no accused is proclaimed person.

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. Parties are from the same village, the dispute was with regard to possession and cultivation of the land. Parties have bridged their differences and decided to forgive and forget rather than indulging in litigation. 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**

19th May, 2022

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No