

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-44659-2019
Date of Decision: 26th April, 2022

Gurvinder Singh @ Gurpreet Singh and others

Petitioners

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vikasdeep Singh, Advocate for the petitioners.

Mr. Amit Mehta, Sr. Deputy Advocate General, Punjab.

Mr. Vikash Gupta, Advocate for
Mr. S.S. Arora, Advocate for respondent No.2.

AVNEESH JHINGAN, J (Oral):

[1] This petition has been filed seeking quashing of FIR no.234 dated 25.09.2019, registered at Police Station Sultanpur Lodhi, District, Kapurthala, under Section 379B (2) of the IPC, (as also all other subsequent proceedings arising therefrom), on the basis of a compromise.

[2] As per the case set up, the FIR was registered at the instance of Jagpreet Singh. As per the allegations, there was a dispute with regard to the recovery of the money between the parties. The complainant was threatened that in case he does not pay the amount within two hours, his tractor would be taken out. The accused Gurvinder Singh and Jobanpreet Singh forcibly took away the tractor and gave beatings to the complainant.

[3] The parties with the intervention of respectables have

compromised the matter.

[4] On 19.10.2019, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

[5] The report dated 16.11.2019 is received stating that the compromise is genuine, voluntary and are not the result of threat, pressure or coercion etc.

[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] At a first look, the case seems to be of snatching but after perusing the contents of the FIR, it was a money dispute which was given a colour of snatching. The parties are from the same village. With the intervention of friends and relatives, 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.

However, considering that the money dispute was coloured as a snatching incident, for wasting the time of police authorities and of the Court, the FIR is quashed subject to payment of cost of Rs. 10,000/- to be deposited in Poor Patient Welfare Fund, PGIMER, Sector-12, Chandigarh.

[9] The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

26th April, 2022
anuradha

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