

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48522 of 2019

Date of Decision: 20th May, 2022

Mohammad Rashid and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Saqib Ali Khan, Advocate for the petitioners.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. Anshul Gupta, Advocate for respondents No. 2 and 3.

AVNEESH JHINGAN , J.(Oral)

This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 92 dated 15.10.2019, under Sections 379-B, 341, 323 and 34 IPC (Section 325 IPC added later on), registered at Police Station Sandaur, Tehsil Malerkotla and all subsequent proceedings arising therefrom, on the basis of compromise dated 21.10.2019

The FIR was registered at the instance of Sukhwinder Singh. As per the allegations, on 14.10.2019, the complainant and Jaswinder Singh were attacked by the accused (petitioners). They inflicted injuries and forcibly took a note of Rs.2,000/- from the nephew of the complainant.

There was fight between two parties. To exaggerate the allegations, it was stated that a note of Rs.2,000/- was snatched. The parties with the intervention of respectables have compromised the matter.

On 15.11.2019, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 21.10.2019.

The report dated 4.12.2019 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence. Further that there are four accused (petitioners herein) and they

have not been declared as proclaimed offender.

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.”

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.

The parties have bridged their differences and decided to forgive and forget rather than indulging in litigation. No useful purpose would be served by continuing with the trial. Due to compromise, there are bleak chances of conviction. To meet the ends of justice, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

The petition is allowed.

(AVNEESH JHINGAN)
JUDGE

20th May, 2022

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Whether reasoned/speaking	Yes
Whether reportable	Yes