

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49441 of 2019

Date of Decision: 13th May, 2022

Gurmail @ Godi and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. J.K. Sanewal, Advocate for the petitioners.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. J.S. Thakur, Advocate for respondent No. 2.

AVNEESH JHINGAN , J.(Oral)

This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 70 dated 23.8.2019, under Sections 451/323/324/148/149 IPC (Section 325 IPC added later on), registered at Police Station Nurmehal, District Jalandhar Rural on the basis of compromise.

The FIR was registered on the statement of Harmesh Lal. As per the contents of the FIR, there were temperamental differences between the complainant and his wife. On 15.8.2019, wife of the complainant called her brother, the accused (petitioner) came to the house of the complainant and gave beatings.

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

On 21.11.2019, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

The report dated 8.1.2020 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence. Further accused 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 are relatives, better sense has prevailed and the parties have patched up their differences and tried to save their relations to an extent possible. 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

13th May, 2022

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Whether reasoned/speaking
Whether reportable

Yes
Yes