

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

CRM-M-54383 of 2018

Date of Decision: 5.8.2022

Surinder Kumar @ Sindu and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Aayush Gupta, Advocate for the petitioners.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. Rishab Garg, 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. 266 dated 1.12.2016, under Sections 341, 342, 323, 506 and 34 IPC, registered at Police Station Division No. 7 (Vardhman), District Ludhiana and all subsequent proceedings arising therefrom on the basis of compromise.

As per the allegations in the FIR, on 28.11.2016, the accused (petitioners) inflicted injuries to the complainant and his father with Dandas. The dispute was with regard to vacating the shop .

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

On 7.12.2018, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

The report dated 23.3.2020 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence. Further that there are two 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 dispute is between the landlord and the tenant. With the passage of time, better sense has prevailed, the parties have decided to forget and forgive. 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

5.8.2022
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Whether reasoned/speaking	Yes
Whether reportable	Yes