

**242 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-953-2020

Decided on: 17th March, 2022

Gurminder Singh and others

Petitioners

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. K.S. Bal, Advocate for the petitioners.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. Paras Jagga, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

1. Due to COVID-19 situation, the Court is convened through video conference.
2. This petition was filed seeking quashing of FIR No. 271, dated 8th October, 2019, under Section 379-B Indian Penal Code, 1860, registered at Police Station Sadar, District Amritsar and compromise and all subsequent proceedings arising therefrom on the basis of compromise dated 26th November, 2019.
3. The FIR was registered at the instance of Avinash Sarin. It was alleged that on 2nd October, 2019, three boys on Aactiva snatched the purse. One of the passerby informed the name of one accused as Honey.
4. The parties have entered into compromise. The complainant has filed an affidavit stating that her articles were found and the FIR was got registered on asking of passerby.
5. Learned State counsel on instructions from ASI Baldev Singh submits that no recovery was made from the petitioners, no identification

parade was held.

6. On 2nd February, 2022, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 26th November, 2019.

7. The report dated 10th March, 2022 is received stating that

“ 2. That as per statement of IO ASI Satnam Singh, none of the accused was ever declared Proclaimed offender.

3. That the compromise effected between complainant and accused persons is genuine, voluntary, out of free will and without any coercion or undue influence.

8. 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.”

9. 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.

10. From the pleadings and contention it is forthcoming that the FIR was lodged by the complainant on asking of the passerby. On the basis of information collected from the passerby the petitioner was named.

Neither any recovery was made from the petitioner nor identification parade was held. *Prima facie* there is nothing connecting the petitioner with the incident. Considering the affidavit filed by the complainant, the chances of conviction are bleak. No useful purpose would be served by continuing with the trial. To meet the ends of justice, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

11. The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

17th March, 2022
Parveen Sharma

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