

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

CRM-M-7845 of 2022

Date of decision: 20th September, 2023

Gurpreet Singh @ Gopi and others

Petitioners

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Harmanjit Singh, Advocate for the petitioners.
Mr. Jashanpreet Singh, DAG, Punjab.
Mr. Aditya Sharda, Advocate for
Mr. J. S. Bhinder, Advocate for respondents No. 2 and 3.

AVNEESH JHINGAN, J (Oral):

1. This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 222 dated 25.8.2018, under Sections 364, 323, 341, 148, 149 and 201 IPC and Section 25 of the Arms Act, 1959, registered at Police Station Patran, District Patiala and all subsequent proceedings arising therefrom on the basis of compromise.
2. The FIR was lodged at the instance of Gagandeep Singh. It was alleged that in an incident that occurred on 25.8.2018, injuries were inflicted by the petitioner and brother of the complainant was taken away. The backdrop of the incident was that daughter of his brother Balwant Singh was missing for the last ten days and petitioners suspected that Darshan Singh and his family know the whereabouts of missing daughter.
3. The parties with the intervention of respectables have compromised the matter.
4. On 16.5.2023, 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 12.7.2023 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence and there are eleven accused (petitioners herein) and none of them has been declared as proclaimed offender.

6. It is admitted case that there is no specific injury attributed by use of fire-arm.

7. 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.”

8. 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 exercise of powers for 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.

9. With the intervention of panchayat, 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.

10. The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

20th September, 2023
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1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No