

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

Date of Decision: 6th July, 2023

(1) CRM-M-10583 of 2021

Lakhwinder Kumar and others

... Petitioners

Versus

State of Punjab and another

... Respondents

(2) CRM-M-14293 of 2021

Lovejot Kumar and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.Ritesh Pandey, Advocate for the petitioners in
CRM-M-10583 of 2021 and for respondent No. 2 in
CRM-M-14293 of 2021.
Ms. Navreet Kaur Barnala, AAG, Punjab.
Mr. Vinod Pundir Advocate for petitioners in CRM-M-14293
of 2021 and for respondent No. 2 in CRM-M-10583 of 2021.

AVNEESH JHINGAN , J.(Oral)

1. These petitions under Section 482 of Code of Criminal Procedure are filed seeking quashing of FIR No. 75 dated 17.10.2018, under Sections 148, 323, 326 IPC read with Section 149 IPC and DDR No. 26 dated 8.10.2018 under Sections 148, 323, 379-B, 452 and 506 IPC read

with Section 149 IPC, registered at Police Station Qilla Lal Singh, Police District Batala and all subsequent proceedings arising therefrom on the basis of compromise.

2. The FIR of an incident that occurred on 4.10.2018 was registered at the instance of Lovejot Kumar . Both the parties inflicted injuries to each other.

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

4. On 8.3.2021 and 1.4.2021, 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 17.4.2021 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence. Further that none of the accused in these petitions has been declared as proclaimed offender.

6. 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.”

7. 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 of quashing the 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.

8. The parties are from same village. With the intervention of friends and relatives, the parties have decided to forget and forgive and 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 and DDR mentioned above and all consequential proceedings arising therefrom are quashed.

9. The petitions are allowed.

10. Photocopy of the order be placed on the file of connected case.

(AVNEESH JHINGAN)
JUDGE

6th July, 2023
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Whether reasoned/speaking	Yes
Whether reportable	Yes