

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

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CRM-M No.11282 of 2023

Date of Decision: 25th August, 2023

Paramjit Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present:- Mr. Naveen, Advocate for
Mr. Vijay Lath, Advocate for the petitioners.

Ms. Navreet K. Barnala, AAG, Punjab.

Mr. Lovish Rattan, Advocate for
Mr. Surinder Sharma, Advocate for respondent No.2.

AVNEESH JHINGAN, J. (Oral)

1. This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 18 dated 18.02.2017, under Sections 384, 500, 506 and 120-B of Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 (deleted lateron), registered at Police Station Sri Chamkaur Sahib, District Rupnagar, Punjab and all subsequent proceedings arising therefrom on the basis of compromise.

2. The FIR was registered at the instance of Rajinder Singh Malwa. There were differences between the parties. The allegations were of persistent false complaints being made to malign the image of the complainant. It was stated that threats were given to eliminate the complainant and his family.

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

4. On 17.07.2023, 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 22.08.2023 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence and there are two accused (petitioners herein) and they have not 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 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.

8. The parties are from the same village. With the intervention of friends and relatives, the parties have decided to forget and forgive to save their relation to the 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.

9. The petition is allowed.

25th August, 2023
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

No/Yes