

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

CRM-M-13909 of 2023

Date of decision: 18th August, 2023

Ramlal and another

...Petitioners

Versus

State of Punjab and others

...Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. A. K. Walia, Advocate for the petitioners.
Mr. Jashanpreet Singh, DAG, Punjab.
Mr. M. M. Pandey, 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.27 dated 11.2.2023, under Sections 365, 511, 341, 506, 420, 148 and 149 IPC and Sections 25 and 27 of the Arms Act, 1959, registered at Police Station Nehianwala, District Bathinda and all subsequent proceedings arising therefrom on the basis of compromise.

2. As per the FIR, petitioner No. 1 had sold the land to the complainant after accepting the money. Petitioner No. 1 had also executed an agreement to sell the said land to another person. When the complainant along with others had gone to talk with petitioner No. 1, he along with petitioner No. 2 and other unidentified persons tried to abduct respondent No. 2, gave threats to the complainant by taking out .12 bore rifle.

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

4. On 20.3.2023, 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 12.4.2023 is received stating that the

compromise is genuine, voluntary, without any coercion or undue influence and there are five accused (two petitioners herein) and none of them has been declared as proclaimed offender.

6. Learned counsel for the complainant on instructions submits that the complainant is not pursuing the matter against unidentified persons.

7. Learned counsel for the State fairly submits that there is no fire arm injury.

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 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.

10. With the intervention of friends and relatives, 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.

11. The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

18th August, 2023

mk

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

[AVNEESH JHINGAN]
JUDGE

18th August, 2023
mk

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No