

2023:PHHC:131559

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

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CRM-M-14970-2023

Date of Decision: 10th October, 2023

Lakhwinder Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Shubham Tandon, Advocate for
Mr. Navjot Singh, Advocate for the petitioner.

Mr. Jashanpreet Singh, Deputy Advocate General, Punjab.

Mr. A.S. Shergil, Advocate for
Mr. Hardik Ahluwalia, 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. 156 dated 7.12.2022, under Section 435 IPC, 1860 registered at Police Station Khamano, District Fatehgarh Sahib and all subsequent proceedings arising therefrom on the basis of compromise.

2. The FIR was registered at the instance of Head Sewadar of Gurudwara Shri Kalgidhar Sahib of Village Bhambri, Tehsil Khamani, District Fatehgarh Sahib alleging that on 6.12.2022 the respondent had set fire to the benches kept for the devotees who had difficulty in sitting on the floor.

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

4. On 24.5.2023, 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 3.10.2023 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence and there is only one accused (petitioner herein) and he has

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 locality. As per the contention raised, the incident occurred due to misunderstanding and now the differences have been bridged. 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 mentioned above and all consequential proceedings arising therefrom are quashed.

9. The petition is allowed.

10. Since the main case has been allowed, the pending application(s), if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

10th October, 2023

anuradha

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No