

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

CRM-M-16026 of 2023

Date of decision: 13th July, 2023

Birabl Singh

...Petitioner

Versus

The State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Kashish Garg, Advocate for the petitioner.
Ms. Navreet Kaur Barnala, AAG, Punjab.
Mr. Deepak Kohli, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

1. This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 98 dated 11.11.2006, under Sections 279, 337, 338, 427 IPC, registered at Police Station Sadar, District Bathinda and all subsequent proceedings arising therefrom on the basis of compromise.
2. As per the FIR, on 11.11.2006, the petitioner while driving the tralla bearing registration No. RJ-18G-1940 rashly and negligently hit the car of the complainant who along with respondents No. 3 and 4 suffered injuries.
3. The parties with the intervention of respectables have compromised the matter.
4. On 29.3.2023, 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 6.7.2023 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence and there is only one accused (petitioner herein) who 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 power 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. With the intervention of friends and relatives, the parties have decided to compromise the matter. 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.

[AVNEESH JHINGAN]
JUDGE

13th July, 2023

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