IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-28854 of 2023
Date of decision: 31st **August, 2023**

Shambhu Goyal

Petitioner

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Bhavesh Aggarwal, Advocate for the petitioner.
Mr. Jashanpreet Singh, DAG, Punjab.
Mr. Shubham Goyal, 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. 7 dated 7.1.2014, under Sections 451, 323, 506 and 34 IPC (Section 452 IPC added later on), registered at Police Station Division No. 4, District Ludhiana City and all subsequent proceedings arising therefrom on the basis of compromise.

2. As per the FIR, the petitioner along with other accused caused injuries to complainant's husband (respondent No. 3).

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

4. On 2.6.2023, 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 21.8.2023 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence and there are four accused in the case. It is further stated that FIR against other co-accused has already been quashed. No accused has been declared as proclaimed offender.

6. Full Bench of this Court in ***Kulwinder Singh and others vs.***

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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. 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.

9. The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

31st August, 2023
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1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No

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