

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

283

CRM-M- 28487 of 2023
Date of decision: 17th October, 2023

Mohammad Saleem @ Mohammed Salim @ Seema and another
Petitioners
Versus
State of Punjab and another
Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. JK Singla, Advocate for the petitioners.
Mr. Jashanpreet Singh, DAG, Punjab.
Mr. Kashish Garg, Advocate for respondent No. 2.

AVNEESH JHINGAN, J (Oral):

1. This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 45 dated 30.4.2021 under Sections 323/324/506/34 IPC, 1860 (Section 307 IPC, 1860 was added later on vide DDR No. 27 dated 1.5.2021) registered at Police Station Ahemadgarh District Sangrur and all other subsequent proceedings arising therefrom on the basis of compromise (P-2).
2. While issuing notice of motion on 1.6.2023, the parties were directed to get record their statements and learned State Counsel submitted that Section 307 IPC was deleted.
3. As per the allegations, the accused engaged by the complainant for doing agricultural work, on 30.4.2021 inflicted injuries on him. The incident was result of heat of the movement.
4. The parties with the intervention of respectables have compromised the matter.
5. On 1.6.2023, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with

regard to compromise.

6. The report dated 3.7.2023 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.

7. 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.”

8. 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.

9. The parties are from same locality. Better sense has prevailed, the parties have compromised the matter and 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.

10. The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

17th October, 2023
anuradha

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