

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

266

CRM-M- 31847 of 2023
Date of decision: 16th October, 2023

Navdeep Singh

Petitioner

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Amandeep Chhabra, Advocate for
Mr. JPS Brar, Advocate for the petitioner.

Mr. Jashanpreet Singh, Deputy Advocate General, Punjab.

Mr. Deepak Vashisth, Advocate for
Mr. Deepak Kohli, 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. 176 dated 28.12.2015 under Sections 356, 447, 511, 506, 34 IPC (379 IPC and Sections 3 and 4 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the SC & ST Act) added) registered at Police Station Talwandi Sabo, District Bathinda and all other subsequent proceedings arising therefrom on the basis of compromise.

2. As per the allegations, the accused gave beatings and hurled caste based remarks.

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

4. On 6.7.2023, 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 21.7.2023 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence. Further that there are two accused (petitioners herein) (one of the petitioners has died, hence the trial is abated qua him) and present petitioner 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 Bhimsinbhai 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 Supreme Court in ***Ramawatar v. State of Madhya Pradesh, 2021 SCC Online SC 966*** in similar circumstances quashed the criminal proceedings on the basis of a voluntary compromise involving sections of the SC and ST Act.

9. The parties are farmers and the dispute was for vacating the agricultural land. The respondents are of old age. With the intervention of friends and relatives, they have decided to forget the incident; forgive each other and proceed ahead in life. 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

16th October, 2023
anuradha

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