

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

CRM-M-33310-2019 (O&M)
Date of Decision: 11.10.2023

Rustam and others

....Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Divya Gulati, Advocate, for the petitioners.

Mr. Jashanpreet Singh, DAG, Punjab.

Ms. Jasneet Mehra, Advocate,
for respondent Nos. 2 to 7.

Avneesh Jhingan, J. (Oral)

1. This petition under Section 482 of Code of Criminal Procedure is filed for quashing of FIR No.56 dated 16.04.2019, under Sections 341, 427, 506, 148, 149 IPC, registered at Police Station Chhehratta, District Amritsar, and all subsequent proceedings arising therefrom on the basis of compromise.

2. The brief facts are that the FIR was registered on the statement of Jagroop Singh alias Mani. In an incident that occurred on 12.04.2019, the vehicle of the complainant-party was stopped by the accused/petitioners alongwith 10/12 unknown persons and the windshield of the car was broken and there was brick-batting.

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

4. Counsel for respondent Nos. 2 to 7 states that the complainant is not pressing the FIR against the unknown persons/accused.

5. On 26.09.2019, 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 24.01.2020 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence and none of accused has 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) 9 SCC 641***, laid down the broad principles governing the exercises of powers of 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 residents of the same locality. With the intervention of friends and relatives, the parties have decided to forget and forgive. There is an attempt by the parties to bridge their differences. 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.

11.10.2023
ds

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No