

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Date of decision:15th September, 2023

(1)

CRM-M-36851 of 2023

Mukhtar Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

(2)

CRM-M-37043 of 2023

Ranjit Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. M. S. Basra, Advocate for the petitioners in CRM-M-36851 of 2023 and for the complainant in CRM-M-37043 of 2023.
 Mr. Jashanpreet Singh, DAG, Punjab.
 Mr. A. S.Brar, Advocate for the petitioners in CRM-37043 of 2023 and for the complainant in CRM-M-36851 of 2023.

AVNEESH JHINGAN, J (Oral):

1. These petitions under Section 482 of Code of Criminal Procedure are filed seeking quashing of DDR No. 18 dated 26.8.2020, under Sections 323, 324, 325, 326, 447, 427, 148 and 149 IPC and FIR No. 205 dated 21.8.2020, under Sections 323, 324, 326, 148 and 149 IPC, registered at Police Station Hargobindpur, Police District Batala, District Gurdaspur and all subsequent proceedings arising therefrom on the basis of compromise.

2. Ranjit Singh got registered an FIR alleging that on 13.8.2020 a scuffle took place in which both the parties inflicted injuries to each other. The cross-version of the incident was reported by Jagtar Singh.

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

4. On 31.7.2023 and 1.8.2023, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

5. The reports dated 31.8.2023 are received stating that the compromise is genuine, voluntary, without any coercion or undue influence. Further that none of the accused in these petitions has 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 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 DDR and FIR mentioned above and all consequential proceedings arising therefrom are quashed.

9. The petitions are allowed.

10. Photocopy of the order be placed on the file of connected case.

[AVNEESH JHINGAN]
JUDGE

15th September, 2023

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