

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

CRM-M-37847-2023

Date of Decision: 11.10.2023

Surjit Singh and others

....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Dr. Sukhbir Kaur, Advocate, for the petitioners.

Mr. Jashanpreet Singh, DAG, Punjab.

Mr. Raman Kumar, Advocate, for respondent No.2.

Avneesh Jhingan, J. (Oral)

1. This petition under Section 482 of Code of Criminal Procedure is filed for quashing of FIR No.165 dated 28.07.2020, under Sections 323, 324 read with Section 34 IPC, registered at Police Station Dasuya, District Hoshiarpur, and all subsequent proceedings arising therefrom on the basis of compromise.

2. The FIR was registered on the statement of complainant- Manpreet Masih alleging that on 25.07.2020, the petitioners caused injuries to him.

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

4. On 04.08.2023, 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 01.09.2023 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.

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) 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.

8. 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