

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

CRM-M-39878 of 2023

Date of decision: 29th September, 2023

Jatinder Singh alias Bitta

Petitioner

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Gaganpreet, Advocate for the petitioners.
Mr. Jashanpreet Singh, DAG, Punjab.
Mr. Kanwaljit Singh, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

1. This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 39 dated 1.5.2020, under Sections 323, 324, 452, 148 and 149 IPC (Sections 325 and 326 IPC added later on), registered at Police Station Sekhwan, District Batala and all subsequent proceedings arising therefrom on the basis of compromise.
2. As per the FIR, the petitioner along with some un-known persons gave beatings to the complainant party.
3. The parties with the intervention of respectables have compromised the matter.
4. On 17.8.2023, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.
5. The report dated 16.9.2023 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence and there is only one accused (petitioner herein) and he has not been declared as proclaimed offender.
6. Learned counsel for the complainant submits that the complainant is not pursuing the matter against un-known persons.

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 fight was between the friends. With the intervention of friends and relatives, the parties have decided to forget and forgive and to save their relations to an extent possible. 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

29th September, 2023
mk

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