

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

230

CRM-M-43674 of 2023
Date of decision:6th October, 2023

Gurdev Singh and others

Petitioners

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ashish Bakshi, Advocate for the petitioners.
Mr. Jashanpreet Singh, DAG, Punjab.
Mr. Gautam, Advocate for respondent No. 2.

AVNEESH JHINGAN, J (Oral):

1. This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 238 dated 18.10.2022, under Sections 323, 341, 427, 451, 506, 148 and 149 IPC, 1860 (Section 201 IPC added later on), registered at Police Station Haibhowal, District Ludhiana and all subsequent proceedings arising therefrom on the basis of compromise.
2. As per the FIR, heated arguments with regard to payment of commission resulted in altercation and injuries were inflicted by throwing bricks.
3. The parties with the intervention of respectables have compromised the matter.
4. On 1.9.2023, 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 27.9.2023 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence and there are four accused (petitioners herein) and they have 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 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.

8. The dispute was a fallout of clash of commercial interest. The parties are from the same locality. 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.

9. The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

6th October, 2023
anuradha

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