

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

227

CRM-M-44851 of 2023
Date of decision: 13th October, 2023

Rajiv Sharma

Petitioner

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. KP Singh, Advocate for the petitioner.
Mr. Jashanpreet Singh, DAG, Punjab.
Mr.J.S. Bhinder, Advocate for
Ms. Amandeep Kaur, Advocate for respondent No. 2.

AVNEESH JHINGAN, J (Oral):

1. This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 45 dated 7.3.2023 under Sections 279, 337, 338, 427 IPC, 1860 registered at Police Station Civil Lines, District Amritsar and all other subsequent proceedings arising therefrom on the basis of compromise (P-2).
2. As per the FIR, the complainant and his wife received injuries in a roadside accident.
3. The parties with the intervention of respectables have compromised the matter.
4. On 11.9.2023, 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 5.10.2023 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence and there is one accused (petitioner herein) and he has 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. It is a case of road accident. The parties have compromised the matter and 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 FIR mentioned above and all consequential proceedings arising therefrom are quashed.

9. The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

13th October, 2023
anuradha

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