

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-49330 of 2022
Date of decision: 20th October, 2023

Irfan Khan @ Rafan and others

Petitioners

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Satinder, Advocate for
Mr. Shiv Parkash, Advocate for the petitioners.
Mr. Jashanpreet Singh, DAG, Punjab.
Mr. Mohd. Jameel, Advocate for respondents No. 2 and 3.

AVNEESH JHINGAN, J (Oral):

1. This is a petition under Section 482 Cr.P.C. for quashing of DDR No. 20 dated 28.7.2021 under Sections 341/323/506/149 IPC, 1860 in FIR No. 113 dated 27.7.2021 under Sections 323/324/341/506/34 IPC, 1860 (later on Sections 201/326 IPC, 1860 has been added) registered at Police Station Amargarh, District Malerkotla and all other subsequent proceedings arising therefrom on the basis of compromise.
2. As per the complaint, there was an altercation as complainant's cow caused damage to crops and injuries were inflicted in the incident.
3. The parties with the intervention of respectables have compromised the matter.
4. On 27.10.2022, 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 23.11.2022 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence and there are six accused (petitioners herein) and they have not been declared as proclaimed offender.
6. In cross case i.e. CRM-M-45113-2022, FIR has been quashed

on the basis of compromise.

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 complaint. 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 parties are from same locality. They 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 complaint mentioned above and all consequential proceedings arising therefrom are quashed.

10. The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

20th October, 2023
anuradha

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