

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

255

Date of decision: 20th October, 2023

1. CRM-M-47446 of 2023

Prem Singh and others	Petitioners
Versus	
State of Punjab and others	Respondents

2. CRM-M-47541 of 2023

Paramjit Singh @ Pamma and another	Petitioners
Versus	
State of Punjab and others	Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN
Present: Mr. Amrinder Singh, Advocate for
Mr. H.S. Sidhu, Advocate for the petitioners in
CRM-M-47446-2023
for respondents No. 2 to 4 in CRM-M-47541 of 2023.

Mr. A.S. Khosa, Advocate for the petitioners
in CRM-M-47541 of 2023
for respondents No. 2 and 3 in CRM-M-47446-2023.

Mr. Jashanpreet Singh, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

- These petitions have been filed under Section 482 Cr.P.C. for quashing of General Diary No. 22 dated 30.5.2023 under Sections 341/324/148/149 IPC, 1860 in/and FIR No. 70 under Sections 323/324/506 read with 34 IPC, 1860 dated 9.5.2023 registered at Police Station Sadar Hoshiarpur, District Hoshiarpur and all other subsequent proceedings arising therefrom on the basis of compromise
- As per the FIR, a dispute regarding use of passage through agricultural land resulted in an altercation in which injuries were inflicted.
- The parties with the intervention of respectables have

compromised the matter.

4. On 20.9.2023, 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 11.10.2023 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence and none of the accused has been declared 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. These are cross-cases. The parties are from same village. 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 General Diary and FIR mentioned above and all consequential proceedings arising therefrom are quashed.

9. The petitions are allowed.

10. A photocopy of this order be placed on the file(s) of connected case(s).

[AVNEESH JHINGAN]
JUDGE

20th October, 2023

anuradha

1. Whether speaking/ reasoned
2. Whether reportable

: Yes / No
: Yes / No