

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

CRM-M-17452-2022

Date of Decision: 31st May, 2022

Jatinder Singh alias Kudh

Petitioner

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. S.S. Aviraj, Advocate for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

Mr. Vishal Singh, Advocate for respondent No.2.

AVNEESH JHINGAN, J (Oral):

This petition under Section 482 Cr.P.C. is filed for quashing of FIR No. 19 dated 24.2.2021, under Section 420 IPC, registered at Police Station Shahpur Kandi, District Pathankot and all other subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-2).

The FIR was registered at the instance of Radha Devi. There was a dispute with regard to the possession of the plot. As per the allegations, the sale deed was executed for Khasra No. 438 and possession was given of Khasra No. 435.

Learned counsel for respondent No.2 has no objection if the FIR is quashed.

On 27.4.2022, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

The report dated 12.5.2022 is received stating that the

compromise is genuine, voluntarily without any coercion or undue influence. They are not declared proclaimed offenders.

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.”

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 exercises of powers of 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.

The present dispute has a tone and tenor of civil nature. The parties have settled the differences and have decided to settle the issue and not to litigate any further. No useful purpose would be served by continuing with the trial. To meet the ends of justice and considering that there are bleak chances of conviction, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

31st May, 2022
anuradha

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