

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

CRM-M-14816-2016 (O&M)

Date of decision: January 23, 2017

Rajpal

.. Petitioner

Versus

State of Punjab and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms.Jasneet Mehta, Advocate, for
Mr.Sandeep Wadhawan, Advocate,
for the petitioner.

Mr.Jashanpreet Singh, Asstt. AG, Punjab.

SURINDER GUPTA, J.(Oral)

The petitioner has filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of FIR No.37 dated 16.3.2016 (Annexure P-1), registered for offences punishable under Sections 419, 420, 465, 467, 468, 471 of Indian Penal Code (for short 'IPC') at Police Station Cantonment, Amritsar, along with all consequential proceedings arising therefrom, on the basis of the compromise (Annexure P-2).

As per the case of the prosecution, the petitioner sold his Swift car bearing registration No.PB02-V-3030 to respondent No.2 and purchased from him an i20 car for ₹ 6 lacs but did not handover any documents of the car or the price settled.

Learned counsel for the petitioner has submitted that the matter has since been amicably settled.

Upon notice, Mr.Jashanpreet Singh, Assistant Advocate General, Punjab has put in appearance on behalf of respondent No.1-State.

I have heard learned counsel for the parties and perused the case file.

The parties were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated 31.5.2016 stating therein that the compromise has been effected between the complainant and the accused which appears to be voluntary in nature and without any pressure or influence.

The only obstacle in the way of accepting the compromise for quashing the impugned FIR is that the offence punishable under Section 465, 467, 468, 471 IPC are not compoundable. In case ***Kulwinder Singh vs. State of Punjab***, 2007 (3) RCR (Crl.) 1052, Full Bench of this Court has held that the FIR can be quashed on the basis of the compromise by exercising inherent powers under Section 482 Cr.P.C. even if the offence is not compoundable.

In the instant case, the compromise has been effected and the parties wish to live in peace and harmony.

Keeping all the above facts in view, I am of the considered opinion that it is a fit case in which the impugned FIR should be quashed. Keeping the case pending will not serve the ends of justice. The quashing of the FIR will provide the parties to this petition an opportunity to live in an amicable, peaceful and harmonious atmosphere which is not only in the

interest of the parties but also for their families and ultimately the society at large.

In view of the above discussion, the instant petition is allowed and the impugned FIR No.37 dated 16.3.2016 registered under Sections 419, 420, 465, 467, 468, 471 IPC at PS Cantonment, Amritsar (Annexure P-1) along with all consequential proceedings arising therefrom, qua petitioner, is quashed.

January 23, 2017

Paritosh Kumar

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No