

**215 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-5664-2021

Date of Decision: 20th December, 2021

Ramesh Kumar and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Vinay Kumar, Advocate for the petitioners.
Mr. Amit Mehta, Sr. DAG, Punjab for the respondent-State.
Mr. Sanjeet Singh, Advocate for respondent No.2.

AVNEESH JHINGAN , J.(Oral)

1. This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 135, dated 05.08.2018, under Sections 420 IPC, 1860, registered at Police Station City Batala, Police District Batala and all subsequent proceedings arising therefrom on the basis of compromise dated 04.06.2020.

[2] Rajiv Kalia got registered an FIR alleging that Ramesh Kumar, Suresh Kumar Chaman Lal, Ashu and Nitish Kole wala (petitioners) had taken his car on rent. As per term settled that they had to pay at monthly installment of Rs.9568/- and rent of Rs. 5500/- per month but the terms were not adhered to.

[3] The parties with the intervention of respectables have compromised the matter.

[4] On 16.11.2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 04.06.2020.

[5] The report dated 10.12.2021 is received, the relevant part is as below:

“ XXXXXXXX that the parties have made an amicable settlement and have recorded their statements in the Court without any fear, pressure, threat or coercion and out of their free will.

XXXXX none of the accused has been declared proclaimed offenders in this FIR.”

[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 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.

[8] The dispute is commercial in nature. Matter pertained to

recovery of rent of the car. The parties have bridged their gaps, bought their peace of mind rather than to indulge in litigations. 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.

[9] The petition is allowed.

(AVNEESH JHINGAN)
JUDGE

20th December, 2021
Parveen Sharma

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No