

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

CRM-M-10391-2020 (O&M)

Date of decision: 12.01.2021

Rakesh Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Ms. Sakshi Awashti, Advocate for
Mr. D.S. Gandhi, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

Petitioner – Rakesh Kumar, an accused in FIR No. 150 dated 23.10.2019, for an offence under Section 420 IPC, registered at Police Station C-Division, District Amritsar has brought the present petition under Section 482 Cr.P.C., seeking quashing of the said FIR along with consequential proceedings arising therefrom on the basis of compromise, said to have been effected between him and complainant Rajan Bajaj, who has been arrayed as respondent No.2 in the petition. Respondent No.1 being State of Punjab.

Briefly stated facts of the case are that FIR in question was got recorded by respondent No.2- Rajan Bajaj by making a statement to the police that he is doing business of supply of gas cylinders and as per request of the petitioner, he had supplied 56 gas cylinders to him.

Towards payment of the said gas cylinders, the petitioner/accused had issued two cheques. However, on presentation, the cheques were dishonoured. In that way, the petitioner/accused had committed cheating/fraud with the complainant for a sum of Rs.1,51,200/-. After registration of the FIR, the investigation in the case started. However, during the course of investigation, the parties have settled the dispute amicably and the petitioner/accused has brought the instant petition.

When the petition came up for hearing on 12.03.2020, notice of motion was ordered to be issued and then in light of the contention that parties have since effected compromise, they were directed to put in appearance before the trial Court/Illaq Magistrate to get their statements recorded with regard to compromise and the trial Court/Illaq Magistrate was directed to send a report to this Court. However, on account of outbreak of COVID-19, the parties could not appear before the trial Court and vide order dated 26.10.2020, the parties were again directed to appear before the trial Magistrate/Illaq Magistrate/Duty Magistrate to get their statements recorded.

In pursuance of order dated 26.10.2020, report has been received from Judicial Magistrate Ist Class, Amritsar, in terms of which complainant Rajan Bajaj and accused, namely, Rakesh Kumar, had appeared there and their statements were recorded, in terms of which they have admitted to have entered into a voluntary compromise, without any pressure, duress, inducement and threat of any kind from any corner. Further, the complainant has stated that he has no objection if the FIR in

question is quashed by this Court. There is nothing on record to doubt the genuineness of the compromise so arrived at between the parties. Along with the report statement of the complainant and the accused, have been annexed.

I have heard learned counsel for the parties besides going through the record.

The dispute between the parties has been resolved amicably, which appears to have been arrived at between them voluntarily without any threat or coercion and in terms of ratio of the authority reported as **Kulwinder Singh and others vs. State of Punjab and Anr. 2007 (3) RCR (Criminal) 1052**, where in para 28, it has been held as under :-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “finest hour of justice”.”

It has been observed that High Court has power to quash prosecution in order to achieve ends of justice and to prevent abuse of process of law. Though such powers are unlimited but those are to be exercised sparingly and with utmost care and caution. Though there is no statutory bar which can effect the inherent power of High Court under Section 482 Cr.P.C.

The compromise is in interest of peace and tranquility in the society and for such like reasons this Court can quash the FIR and ancillary proceedings exercising power under Section 482 Cr.P.C., it

appears to be a fit case to exercise such powers.

Accordingly, the petition is allowed and the above said FIR along with ancillary proceedings are hereby quashed.

12.01.2021

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(H.S. MADAAN)
JUDGE

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