

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

CRM-M-35255 of 2020

DATE OF DECISION :- January 06, 2021

Lokesh Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Chirag Wadhwa, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

Mr. Vijay Kumar, Advocate for respondent No. 2.

The case has been taken up through Video Conferencing.

Petitioner– Lokesh Kumar has brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 114 dated 8.12.2019, for offences under Sections 406, 420 IPC and 13 of the Punjab Travel Professionals (Regulation) Act, 2014 registered at Police Station Badali Ala Singh, District Fatehgarh Sahib, against him, along with consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between him and complainant Jaipal-arrayed as respondent No.2.

Briefly stated the facts of the case as per prosecution story are

that criminal machinery in this case was set into motion by complainant Jaipal son of Babu Ram resident of Village Ghel, Tehsil Bassi Pathana, District Fatehgarh Sahib, who in the written complaint submitted by him to the police against Mohan Singh son of Niranjan Singh, resident of Ghel, Tehsil Bassi Pathana, District Fatehgarh Sahib and Lokesh Kumar resident of Nilokheri, Haryana levelled allegations that such Lokesh Kumar had cheated him of lakhs of rupees on the allurements of sending him abroad but he neither ensured his migration abroad as promised nor returned the amount and the documents received from him. After registration of the F.I.R. the investigation in the case started. The accused was arrested in this case. On completion of investigation challan has since been filed against him in the Court and it is stated to be pending for 18.1.2021. In the meanwhile, the parties have arrived at a compromise. A sum of Rs.25,000/- has been deposited by the petitioner with Punjab State Legal Services Authority, Mohali as directed by this Court vide order dated 2.11.2020.

When the petition came up for hearing on 2.11.2020, notice of motion was ordered to be issued. Respondent No. 1 - State of Punjab through State counsel, whereas respondent No.2 through Mr. Vijay Kumar, Advocate had put in appearance. 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 was directed to send a report to this Court.

Report has been received from Judicial Magistrate Ist Class, Fatehgarh Sahib, in terms of which complainant Jaipal and accused, namely, Lokesh 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 fear and inducement. 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 all 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 others** 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.

**(H.S. MADAAN)
JUDGE**

January 06, 2021
p.singh

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No