

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

CRM-M-41966 of 2021

DECIDED ON: 25th November, 2021

Sucha Singh and others

.....PETITIONERS

VERSUS

State of Punjab and others

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. V.P. Singh, Advocate for petitioners.

Mr. Amit Mehta, Sr. DAG Punjab.

Mr. A.P. Singh, Advocate for complainant.

AVNEESH JHINGAN, J (ORAL)

Due to COVID-19 situation, the Court is convened through video conference.

(2) This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 5, dated 21.1.2020, under Section 420 IPC, registered at Police Station Sadar Rajpur, District Patiala and all subsequent proceedings arising therefrom on the basis of compromise

(3) The brief facts are that FIR was registered at the instance of Gagandeep Singh alleging that the accused duped him of Rs.5,00,000/- on the pretext of sending him to USA.

(4) The parties with the intervention of respectables have compromised the matter.

(5) On 13.10.2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 14.2.2020.

(6) The report dated 10.11.2021 is received, the relevant part is as below:

“ 1) The accused persons namely Kanwar Lehal @ Kanwarpal Singh, Anwar Lehal @ Anwarpal Singh and Sucha Singh have been arraigned in the present case, out of which accused Anwar Lehal @ Anwarpal Singh and Sucha Singh have appeared before the Court and made statement for the compromise. However, accused Kanwarpal Singh @ Kanwar Lehal is residing Abroad, who has executed a Special Power of Attorney in favour of his father Sucha Singh.

2) None of the accused has ever been declared proclaimed offender in the present case.

3) The undersigned has carefully gone through the statements got recorded by complainant Gagandeep Singh and accused persons namely Sucha Singh and Anwar Lehal @ Anwarpal Singh, it transpires from the statements of the parties that they have arrived at compromise out of their free volition and without any inducement, threat, coercion or undue influence from any quarter. Apparently, the compromise has been arrived at to eliminate bitterness and acrimony between the parties and in order to restore cordial relations....”

(7) 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.”

(8) 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

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.

(9) The issue involved has tone and tenor of commercial dispute. Parties have also settled the issue and have decided to live peacefully rather than indulging in litigation. 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.

(10) The petition is allowed.

25th November, 2021

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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*