

**226 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CRM-M-42572-2021
Date of Decision: 11th November, 2021**

Sham Lal and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Ajay Bhardwaj, Advocate for the petitioners.

Ms. Monika Jalota, Deputy Advocate General, Punjab
for the respondent-State.

Mr. Jatinder Pal 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 complaint No. 552 of 2013, under Sections 406, 420, 465, 467, 468, 471, 120-B of IPC, registered at Police Station Sadar, Moga, and all subsequent proceedings arising therefrom on the basis of compromise dated 28.09.2021.

2. Brief facts are that complaint under Section 406, 420, 465, 467, 468, 471, 120-B IPC was filed by Jagsir Singh. It was alleged that wheat crop valuing Rs.5,36,294.60 was sold by him in April, 2009 to PUNGRAIN Department through M/s Sham Lal & Company. The payment of Rs.2,50,000/- through cheques was made and balance amount remained unpaid. During the pendency of the proceedings, parties compromised the matter on 28th September, 2021.

3. Following order was passed on 8th October, 2021:-

“Today physical hearing was held but on request of learned

counsel for the petitioner, the matter is taken up by way of hybrid hearing.

This is a petition under Section 482 Cr.P.C. for quashing of complaint No. 552 of 2013, under Sections 406, 420, 465, 467, 468, 471, 120-B IPC, registered at Police Station Sadar, Moga and all other subsequent proceedings arising therefrom on the basis of compromise dated 28.09.2021.

Notice of motion.

Mr. Sandeep Kumar, DAG, Punjab and Mr. Jatinder Pal Singh, Advocate appearing on advance notice accept the same on behalf of respondents No. 1 and 2 respectively.

The parties are directed to appear before the Illaqa Magistrate/trial court for recording their statements with regard to the compromise on 27th October, 2021.

The trial court is directed to submit a report on or before the next date of hearing containing the following information:

- (i) Number of persons arrayed as accused in the complaint;*
- (ii) Whether any accused is declared as proclaimed offender;*
- (iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence.*

List on 11th November, 2021.”

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

5. On 8th October, 2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 28th September, 2021.

6. The report dated 28th October, 2021 is received, the relevant part is as below:

“ No accused has been proclaimed offender.

That the compromise arrived at between the parties is genuine, voluntary and without any pressure, coercion or undue influence from any quarter and out of free will of the parties. The compromise has been arrived at with an aim to

put an end to the dispute between the parties.”

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 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.

9. The instant matter has a tone and tenor of commercial dispute. Parties have settled the issue, payment has been received by the complainant. 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.

(AVNEESH JHINGAN)
JUDGE

11th November, 2021

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No