

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

CRM-M-49979-2021

Date of Decision: 20th December, 2021

Joginder Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. H.S. Dhandi, Advocate for the petitioners.
Mr. Amit Mehta, Sr. DAG, Punjab for the respondent-State.
Mr. Simranjit 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. 25, dated 07.09.2020, under Sections 420, 467, 468, 471, 120-B of IPC, 1860, registered at Police Station NRI, District Ludhiana and all subsequent proceedings arising therefrom on the basis of compromise dated 15.11.2021.

[2] The FIR got registered by Ravinder Singh Aujla against Joginder Singh, Harjit Singh, Sucha Singh and Jaspal Singh (petitioners) alleging that the complainant was a Canadian citizen and his plot was got transferred by the petitioners by using fake documents.

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

[4] On 30.11.2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 15.11.2021.

[5] The report dated 16.12.2021 is received, the relevant part is as below:

“ XXXXXXXX the matter has been compromised between them with the intervention of respectables of the locality, out of their free Will, voluntarily and without any pressure, threat, undue influence or coercion.

XXXXX Neither the accused persons are declared proclaimed offender in the present case nor any proclamation proceedings are pending against them.XXXXXX”

[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] This is a commercial dispute with regard to sale of property

and recovery of money. The parties have bridged their gaps, bought their peace of mind rather than to indulge in litigation. 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