

251 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-558-2021

Date of Decision: 27th May, 2022

Deepak Sood and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Anil Kumar Sagar, Advocate for the petitioners.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. Jaswinder Singh Rana, Advocate for respondent No.2.

AVNEESH JHINGAN , J.(Oral)

1. This is a petition for quashing of FIR No. 122, dated 22nd July, 2020, under Section 381 IPC, 1860, registered at Police Station Phase 1, District SAS Nagar (Mohali), on the basis of compromise .

3. As per the case set up, accused (petitioners) Ex-employees of Axtics Solution Private Limited Company had misutilised the data of the company to promote their own business.

4. On 7th January, 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, 2020.

5. The report dated 9th February, 2021 is received stating that the compromise appears to be genuine, voluntary, without any threat or coercion. Further that petitioners have not been declared proclaimed offender in any case nor they are involved in any other FIR.

6. Full Bench of this Court in ***Kulwinder Singh and others vs.***

State of Punjab, 2007 (3) RCR (Criminal) 1052, has held:-

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. The dispute was between the employer and employee. The dispute has predominant tone and tenor of commercial dispute. The parties have settled the differences and decided not to litigate any further. There are bleak chances of conviction. No useful purpose would be served by continuing with the trial. To meet the ends of justice, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

9. The petition is allowed.

(AVNEESH JHINGAN)
JUDGE

27th May, 2022

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No