

235 **IN THE HIGH COURT OF PUNJAB & HARYANA**
AT CHANDIGARH
CRM-M-4065-2021
Date of Decision: 22nd April, 2022

Jasvir Singh

Petitioner

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. B.S. Kathuria, Advocate for the petitioner.
 Mr. Sandeep Kumar, Deputy Advocate General, Punjab.
 Mr. Ankit Chouhan, Advocate for respondent No.2.

AVNEESH JHINGAN, J (Oral):

1. This is a petition under Section 482 Cr.P.C. is for quashing of FIR No. 63, dated 28th February, 2020, under Sections 406 and 420 of IPC and Section 24 of the Immigration Act, 1983 registered at Police Station Division No.6, District Ludhiana and all subsequent proceedings arising therefrom, on the basis of compromise dated 1st December, 2020.

2. The FIR was registered at the instance of Hardeep Kumar. As per the allegations, Jasbir Singh ostensibly received payment from the complainant on pretext of sending him abroad, neither he was sent abroad nor money returned.

3. On 29th January, 2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 1st December, 2020.

4. The report dated 2nd April, 2021 is received, the relevant part is as below:-

“xxx The compromise thus appears to be genuine and valid

and voluntary and authentic and out of free will of the parties and without any inducement, threat, coercion and undue influence or pressure.”

5. 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.”

6. 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.

7. The present dispute has a pre dominant tone and tenor of commercial transaction. The parties have settled the differences and have decided to settle the issue and not to litigate any further. No useful purpose would be served by continuing with the trial as there are bleak chances of conviction. To meet the ends of justice, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

8. The petition is allowed.

**[AVNEESH JHINGAN]
JUDGE**

22nd April, 2022

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No