

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

256

CRM-M-3605-2022
Date of Decision : 10.03.2022

NAGINDER SINGH

...Petitioner

versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. R. S. Sekhon, Advocate
for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

Mr. Tarun Singla, Advocate for
Mr. Kuldeep Saini, Advocate
for the complainant.

AVNEESH JHINGAN, J. (ORAL)

1. This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No.29, dated 22.04.2019, under Section 420 IPC registered at Police Station Ghall Khurd, District Ferozepur and all subsequent proceedings arising therefrom on the basis of compromise dated 03.01.2022.

2. In the FIR the allegations were made by Satnam Singh that the accused had ostensibly received Rupees One lakh on the pretext of sending his son to Thailand. Neither his son was sent there nor the amount was refunded.

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

4. On 09.02.2022, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 03.01.2022.

5. The report dated 02.03.2022 is received, the relevant part is as below:

“ii. As per statement of ASI Angrej Singh, I.O. of this case, accused has never declared as proclaimed offender.

Iii. As per above statements of parties, compromise has been effected between the petitioner Naginder Singh son of Resham Singh and respondent No.2 Satnam Singh son of Piara Singh. The compromise is acceptable to both the respective parties. Therefore, this compromise is genuine, voluntary and without any coercion or undue influence.”

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. The present dispute had a tone and tenor of commercial transaction also. The parties have settled the differences and decided not to litigate any further. No useful purpose would be served by continuing with

CRM-M-3605-2022

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the trial. The chance of conviction is bleak. To meet the ends of justice, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

9. The petition is allowed.

10th March 2022
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No