

**246 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-3036-2020

Date of Decision: 18th April, 2022

Lehna Singh and another

Petitioners

Versus

State of Haryana and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rajesh Bansal, Advocate for the petitioners.

Ms. Dimple Jain, AAG, Haryana.

Mr. Sarvesh Kumar Gupta, Advocate for respondents No. 2
and 3.

AVNEESH JHINGAN, J (Oral):

1. This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 1220 dated 21.9.2016 under Section 406, 420, 467, 468, 471, 506, 120-B IPC registered at Police Station City Panipat, District Panipat and all subsequent proceedings arising therefrom on the basis of compromise dated 17.01.2020.

2. The FIR was got registered by Sunil Kumar stating that the accused entered into an agreement to sell a plot, to be issued to them under Oustee quota and earnest money was paid. After allotment of the plot, accused tried to sell the plot to the third party.

3. Learned counsel for the petitioners submits that during the pendency of the petition, petitioner No.1 has expired and the parties

compromised the matter.

4. Vide order dated 23.1.2020 parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

5. The report dated 10.2.2020 is received stating that the compromise is genuine, voluntary, without any pressure, coercion or undue influence from any quarter. Further no accused has been declared as proclaimed offender.

6. Learned counsel appearing for respondents No. 2 and 3 has no objection if the matter is compromised.

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 present dispute has a 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, 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

18th April, 2022
anuradha

- | | | |
|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |