

CRM-M-5043 of 2021

[1]

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-5043 of 2021

Date of Decision: 25.3.2022.

Balwinder Kumar Sharma and another

Petitioners

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. B. S. Sidhu, Advocate for the petitioners.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. B. K. Majoke, Advocate for respondent No. 2.

AVNEESH JHINGAN, J (Oral):

1] The matter is taken up for hearing through video conference due to COVID-19 situation.

[2] This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 98 dated 19.8.2019, under Section 420 IPC, registered at Police Station Julkan, District Patiala on the basis of compromise dated 18.1.2021.

[3] The FIR was at the instance of Rajbir @ Rabeer. The dispute was with regard to an agreement executed between the parties for purchase of paddy. The goods were supplied, part payment was made and the issue arose with regard to balance payment.

[4] On 3.2.2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 18.1.2021.

[5] The report dated 22.2.2021 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence. Further that there are only two accused (petitioners herein) and they have not been declared as proclaimed offender.

[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 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, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

[9] The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

25.3.2022

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