

CRM-M-5025 of 2022

[1]

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5025 of 2022

Date of Decision: 24th May, 2022

Jagdish Kumar

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Parminder Singh, Advocate for the petitioner.
Ms. Geeta Sharma, DAG, Haryana.
Mr. Chirag Wadhwa, Advocate for respondent No. 2.

AVNEESH JHINGAN , J.(Oral)

This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 48 dated 8.3.2021, under Sections 370, 406 and 420 IPC read with Section 34 IPC, registered at Police Station Siwan, District Kaithal all subsequent proceedings arising therefrom on the basis of compromise.

The FIR was at the instance of Sandeep Kumar. As per the allegations, the accused (petitioner) ostensibly received amount from the complainant on the pretext of sending him abroad. The complainant was illegally sent to America, he had to return back. Thereafter, amount was not returned.

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

On 29.1.2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to the compromise.

The report dated 28.4.2022 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence. Further that there is only one accused (petitioner herein) and he

has not been declared as proclaimed offender.

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.”

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.

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. To meet the ends of justice, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

The petition is allowed.

**(AVNEESH JHINGAN)
JUDGE**

24th May, 2022

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Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No