

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

247

CRM-M-4604-2020

Date of Decision: 18th April, 2022

Nishamm Monga and another

Petitioners

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Suraj, Advocate and
Mr. Nishan Singh Chahal, Advocate for the petitioners.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

Mr. Rajiv Dhawan, Advocate for respondent No.2.

AVNEESH JHINGAN, J (Oral):

1. This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 83 dated 02.07.2019 under Section 420 IPC and Section 120-B, IPC registered at Police Station Nehianwala, District Bhatinda on the basis of compromise dated 02.01.2020.
2. The FIR was got registered by Vikas Gupta Proprietor M/s Shiv Coal Traders, Railway Mall Godown, Mandi Gobindgarh. As per the allegations, the coal was booked through New Chahal Road Lines for transportation but it never reached the destination. The accused (petitioners) had not paid the compensation of the missing coal.
3. On 3.2.2020, the parties were directed to appear before the

Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

4. The report dated 20.2.2020 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.

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 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.

8. The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

18th April, 2022
anuradha

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