

265 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-6935-2022

Date of Decision: 20th April, 2022

Himanshu Bansal

Petitioner

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Parminder Kaur, Advocate and
Mr. Tarun Seth, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Ankush Thakural, Advocate for
Mr. Abhishek, Advocate for respondents No.2 and 3.

AVNEESH JHINGAN, J (Oral):

1. This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 113, dated 14th June, 2021, under Section 420 IPC, registered at Police Station Fatehgarh Sahib, District Fatehgarh Sahib and all subsequent proceedings arising therefrom on the basis of compromise dated 7th December, 2021.

2. The FIR was got registered by Sukhjot Singh. As per the allegations Himanshu Bansal (petitioner) and Vansh Bansal played fraud by showing themselves as travel agent. The complainant was duped of his hard earned money. After the investigation, only the petitioner was arrayed as accused.

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

4. On 18th February, 2022, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 7th December, 2021.

5. The report dated 31st March, 2022 is received, the relevant part is as below:

“ From their statements, it seems that the compromise between the parties i.e. Complainant Simrandeep Singh, accused Himanshu Bansal is voluntary and is not the result of any pressure or coercion in any manner.

No other accused is proclaimed offender in this case.”

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 parties have settled the dispute. The issue has pre dominant tone and tenor of commercial dispute. In view of the compromise,

there are bleak chances of conviction. 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

20th April, 2022
Parveen Sharma

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