

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

209

**CRM-M-6870-2022
Decided on: 2nd April, 2022**

Satpal Singh

Petitioner

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. A.P. Singh, Advocate for the petitioner.

Mr. Amit Mehta, Sr. Deputy Advocate General, Punjab.

Mr. Sandeep Sharma, Advocate for respondents No. 2 and 3.

AVNEESH JHINGAN, J (Oral):

This petition under Section 482 Cr.P.C. is filed for quashing of F.I.R. No.8, dated 5.5.2021, under Sections 420, 465, 467, 468, 471 IPC registered at P.S. Narot Jaimal Singh, Tehsil and District Pathankot and all subsequent proceedings arising therefrom in view of compromise deed dated 9.2.2022.

The FIR was got registered by Sukhjinder Singh and Harjinder Singh. As per the allegations in the FIR, the petitioner ostensibly received money from the complainant on the pretext of procuring job for them in Indian Railways.

On 18.2.2022, the parties were directed to appear before the Illaqa Magistrate/trial Court for getting their statements recorded with regard to the compromise.

Report dated 9.3.2022 was received from the Judicial

Magistrate First Class, Pathankot. The relevant paragraph No. 5 of the report is quoted hereinbelow :-

“(1) In the present FIR only one accused person namely Satpal Singh age about 51 years son of Sh. Lal Singh r/o Makandpur Labana, PS Rajbagh, District Kathua, Jammu and Kashmir is arrayed.

(2) As per the statement of ASI Tarsem Singh No. 919 GSP, PS Narot Jaimal Singh, Tehsil and District Patahankot (Investigating Officer), no accused person involved in this FIR is declared proclaimed offender.

(3) Now the complainant person namely Harjinder Singh and Sukhjinder Singh and accused namely Satpal Singh have entered into compromise, as such complainant as well as accused are the party to the compromise in question and the said compromise seems to be genuine, voluntary and without undue influence”.

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

and continuation of proceeding will cause oppression and prejudice.

The present dispute has a tone and tenor of commercial transaction. The grievances are with regard to refund of money. 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 as there are bleak chances of conviction. 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

2nd April, 2022
anuradha

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