

233 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-5831-2020

Date of decision: 7th March, 2022

Shashikant Sharma

Petitioner

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Karandeep S. Sidhu, Advocate for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. Rubal Garg, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

[1] Due to COVID-19 situation, the Court is convened through video conference.

[2] This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 0134, dated 12th December, 2016, under Sections 420/406 IPC registered at Police Station Giddarbaha, District Sri Muktsar Sahib and all subsequent proceedings arising therefrom on the basis of compromise dated 12th August, 2017.

[3] Complainant Yash Garg got registered an FIR. Brief facts are that Shashikant (petitioner) was working as a helper with the complainant. Gulati Medical Hall had returned medicines of Hepatitis C along with the bill, to be given back to M/s Mylan Pharma Company (for short 'the company'). The petitioner was entrusted the duty of returning the medicines. As per the petitioner, on the way he lost the bag which was

containing medicines. He was asked to come back but he never came back to the complainant shop.

[4] The matter was settled between the parties. On 10th February, 2020, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 12th August, 2017.

[5] Status report dated 27th November, 2020 received from Sub Divisional Judicial Magistrate, Gidderbaha. As per the report, the compromise is voluntarily, of free will without any under influence. There is only one accused who joined the investigation in pursuance to the orders of this Court.

[6] Learned State counsel on instructions from ASI Baljinder Singh submits that cancellation report prepared on 10th February, 2021.

[7] 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.”

[8] 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.

[9] The issue had a tone and tenor of civil dispute, it was a dispute between the employer and the employee, the differences have been bridged, parties have decided to proceed ahead instead of indulging in litigation. To meet the ends of justice, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

[10] The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

7th March, 2022
Parveen Sharma

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