

CRM-M-8088-2022

Date of Decision: 29th July, 2022

Nishant Mondhi and another

Petitioners

Versus

State of Haryana and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. B.S. Tewatia, Advocate for the petitioners.
Mr. Gurmeet Singh, AAG, Haryana.
Mr. Ashok Kaushik, Advocate for the respondent No. 2.

AVNEESH JHINGAN, J (Oral):

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 328 dated 11.06.2016 under Sections 419, 420, 467, 468, 471, 120-B, IPC 1860 and under Section 66-D of IT Act, 2000 in Police Station SGM Nagar, District Faridabad on the basis of compromise.

As per the case set up, the petitioners ostensibly received amount from respondent No.2 on the pretext of getting job in Dubai. The amount was transferred through RTGS. Neither the needful was done nor the amount was refunded. There were three accused named in the FIR, one was found innocent in the investigation.

On 24.2.2022, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

The report dated 07.4.2022 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence. Further none of them have been declared as proclaimed offender.

Full Bench of this Court in *Kulwinder Singh and others vs.*

“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**

29th July, 2022
anuradha

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