

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

**CRM-M-10910 of 2021  
Date of Decision: 29.7.2022**

Harsh Wadhwa

Petitioner

Versus

State of Punjab and another

Respondents

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. Kuldip Singh, Advocate for the petitioner.  
Mr. Sandeep Kumar, DAG, Punjab.

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**AVNEESH JHINGAN, J (Oral):**

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 68 dated 11.7.2020, under Section 420 IPC, registered at police Station Behrampur, District Gurdaspur and all subsequent proceedings arising therefrom on the basis of compromise.

As per the contents of the FIR, ostensibly payments were received on pretext for completing the formalities of going and settling abroad. Neither needful was done nor the money was refunded.

On 9.3.2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

The report dated 26.3.2021 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence and that there is only one accused (petitioner herein) and he has not been declared as proclaimed offender.

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 where in view of the compromise the possibility of conviction is remote and continuation of proceeding will cause oppression and prejudice.

The dispute has a pre-dominant tone and tenor of commercial transaction. The grievance was that the money was not returned. The parties have settled the differences and decided 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**

**29.7.2022**  
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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable         | : | Yes / No |