

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

CRM-M-10625-2022

Date of Decision: 21.4.2022

Gurlal Chahal and another

Petitioners

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Mohit Giri, Advocate for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Saurabh Tyagi, Advocate for respondent No.2.

AVNEESH JHINGAN, J (Oral):

[1] This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 185, dated 27.6.2020, under Sections 406/420/465/467/468/471/120-B and 24 IPC, 1860 and Section 24 of Emigration Act, 1983, registered at Police Station City Rupnagar and all subsequent proceedings arising therefrom on the basis of compromise.

[2] As per the case set up, the FIR was got registered at the instance of Daljeet Singh. The allegations are that accused (petitioners) ostensibly received money from the complainant on the pretext of sending him abroad. Neither needful was done nor money was returned back.

[3] On 11.3.2022, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

[4] The report dated 7.4.2022 is received stating that the

compromise is done voluntarily, out of their own sweet will and without any pressure and coercion of any manner. They are not declared proclaimed offenders.

[5] 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.”

[6] 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.

[7] The dominant tone and tenor of dispute is commercial in nature. The parties have settled the differences and decided to 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

[8] The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

21.4.2022

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