

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

203

CRM-M-12743 of 2021(O&M)

DECIDED ON:16th May, 2022

Kaptan Singh

.....PETITIONER

VERSUS

State of Haryana and another

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mrs. Kiran Bala Jain, Advocate for petitioner.

Ms. Dimple Jain, AAG Haryana.

Ms. Varinda Khanna, Advocate for complainant.

AVNEESH JHINGAN, J (ORAL)

This petition is filed seeking quashing of FIR No.85 dated 25.6.2020, under Section 406, 420 IPC, registered at Police Station Jhansa, District Kurukshetra, on the basis of compromise.

The FIR was registered at the instance of Prince. The allegations are that Kaptan Singh (petitioner) ostensibly received the amount for sending the complainant abroad. The petitioner was sent abroad through illegal means, he was apprehended and confined to jail for two years. The grievance was that money was not returned.

The parties with the intervention of respectables have compromised the matter.

On 19.3.2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

The report dated 16.4.2021 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence. Further that there is only one accused (petitioner herein).

Learned State counsel on instructions submits that the petitioner was not declared 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 exercise of powers for quashing the 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 dominant tone and tenor of dispute is commercial in nature. The parties have settled the differences and have 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 qua the petitioner are quashed.

The petition is allowed.

Since the main case has been decided, the pending application, if any is rendered infructuous.

16th May, 2022

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**(AVNEESH JHINGAN)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>