

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15149 of 2022

Date of Decision: 31st May, 2022

Mohd. Sobi

... Petitioner

Versus

State of UT, Chandigarh and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Navneet Jindal, Advocate for the petitioner.
Mr. Kuldeep Tiwari, APP for UT, Chandigarh.
Mr. Abhay Joshan, Advocate for respondents No. 2 and 3.

AVNEESH JHINGAN , J.(Oral)

This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 407 dated 10.11.2016, under Section 408 IPC, registered at Police Station Sector 17, Chandigarh all subsequent proceedings arising therefrom on the basis of compromise.

FIR was registered alleging that there was a breach of trust by the accused (petitioner). The petitioner was handed over a retail outlet in Sector 17, Chandigarh to be operated as per the terms and conditions of the agreement. During audit, it was found that there was difference in the stock and shortage of cash.

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

On 18.4.2022, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 22.3.2022.

The report dated 11.5.2022 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence. Further that there is only one accused (petitioner herein).

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 pre-dominant dispute has a 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

31st May, 2022

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Whether reasoned/speaking

Yes

Whether reportable

Yes