

CRM-M-15682 of 2022

[1]

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15682 of 2022

Date of Decision: 31st May, 2022

Gurjit Inderjit Sachdev @ Dimply Sachdev and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Ms. Sunil Kamboj, Advocate for the petitioners.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. T. S. Mann Advocate for respondent No. 2.

AVNEESH JHINGAN , J.(Oral)

This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 77 dated 30.5.2018, under Sections 420, 406 IPC, registered at Police Station Mukerian, District Hoshiarpur and all subsequent proceedings arising therefrom, on the basis of compromise.

The FIR was at the instance of Shingara Singh. As per the allegations in the FIR, the complainant was duped for an amount, on the pretext of sending his children abroad. Neither the needful was done nor the amount was refunded.

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

On 19.4.2022, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

The report dated 12.5.2022 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence. Further that there are four accused (petitioners herein) and none of them has 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 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