

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

CRM-M-20993 of 2022

Date of Decision: 29.7.2022

Harkawalpreet Kaur

Petitioner

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr.Dinesh Mahajan, Advocate for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.
Ms. Rimpal Saini, Advocate for respondents No. 2 and 3.

AVNEESH JHINGAN, J (Oral):

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 47 dated 10.2.2021, under Section 420 IPC and 13 of Punjab Travel Professional (Regulation) Act, 2014 registered at Police Station Ranjit Avenue, District Amritsar and all subsequent proceedings arising therefrom on the basis of compromise.

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

On 16.5.2022, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

The report dated 13.7.2022 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 she 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 |