

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

CRM-M-21556-2022

Date of Decision: 8th July, 2022

Gurdeep Singh and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Arshvir Singh Sandhu, Advocate for the petitioners.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. Gagandeep Singh Virk, Advocate for
Mr. Ajay Pal Singh, Advocate for the complainant.

AVNEESH JHINGAN , J.(Oral)

1. This petition is filed under Section 482 Cr.P.C. for quashing of FIR No. 12, dated 21st January, 2022, under Sections 420,120-B IPC, registered at Police Station Kotbhai, District Shri Muktsar Sahib, Punjab and all subsequent proceedings arising therefrom, on the basis of compromise .

3. The FIR was at the instance of Gurdas Singh. As per the allegations, money was received by the accused on pretext of transferring the land, neither the money was returned nor the land was transferred. Rather land was transferred in the name of the minor son of the petitioner.

4. On 19th May, 2022, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 28th April, 2022.

5. The report dated 4th July, 2022 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence. Further that there are two accused (petitioners herein) and they have not been declared as proclaimed offender.

6. 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.”

7. 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.

8. The present dispute has a tone and tenor of commercial transaction. 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.

9. The petition is allowed.

(AVNEESH JHINGAN)
JUDGE

8th July, 2022
Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No