

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20410 of 2019

Date of Decision: 8th July, 2022

Suresh and another

... Petitioners

Versus

State of Haryana & another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Vineet Kumar, Advocate for the petitioners.
Ms. Geeta Sharma, DAG, Haryana.
Mr. Kuldeep Sheoran, 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. 390 dated 11.7.2018, under Section 420 IPC and Sections 63 and 65 of Copy Right Act, District Jhajjar, Police Station City Bahadurgarh and all subsequent proceedings arising therefrom on the basis of compromise.

The FIR was registered that duplicate HFCL and Valvoline Cummins India Ltd. products were being sold by the accused.

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

On 6.5.2019, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

The report dated 26.8.2019 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.

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 present 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. Due to compromise, there are bleak chances of conviction. 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

8th July, 2022
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Whether reasoned/speaking	Yes
Whether reportable	Yes