

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

CRM-M-26841-2021

Date of Decision: 22nd July, 2022

Paramjit Kaur @ Paramjit Kaur Dhillon and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : None for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. G.S. Bains, Advocate for respondent No.2

AVNEESH JHINGAN , J.(Oral)

1. This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 68, dated 23rd March, 2019, under Sections 420, 406 and 120-B of Indian Penal Code, 1860, registered at Police Station Kotwali Patiala, District Patiala and all subsequent proceedings arising therefrom, on the basis of compromise.

2. The FIR was registered at the instance of Jagdeep Sehrawat. As per the allegations, petitioners have taken loan from Tata Capital Finance Ltd. and did not adhere to the loan agreement. The property was mortgaged for securing the loan and during verification it revealed that the property was already mortgaged with UCO Bank. 3.

3. On 15th July, 2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

part is as below:

“ xxxxxx xxxxx both accused persons are not proclaimed offender in this case.

In view of the statements of the parties i.e. Complainant and both accused, it is found that compromise arrived at between the parties is genuine, voluntary and a result of their own free will without any pressure, coercion or undue influence from any quarter.”

5. 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.”

6. 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.

7. The present dispute has a tone and tenor of commercial transaction. The parties have settled the differences and decided 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

8. The petition is allowed.

(AVNEESH JHINGAN)
JUDGE

22nd July, 2022
Parveen Sharma

Whether reasoned/speaking	Yes
Whether reportable	Yes