

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

CRM-M-22984 of 2019

Date of Decision: 28.3.2022

Ram Singh and others

Petitioners

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. K. P. Singh, Advocate for
Mr. Sandeep Gors, Advocate for the petitioners.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. Neeraj Januha, Advocate for
Mr. Saurav Arora, Advocate for respondents No. 2 to 4.

AVNEESH JHINGAN, J (Oral):

[1] This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 25 dated 5.2.2019, under Sections 420, 465, 468, 471 and 120-B IPC and Section 13 of Punjab Travel Professionals Act, 2012 and all subsequent proceedings arising therefrom on the basis of compromise dated 8.5.2019.

[2] As per allegations in the FIR, the accused ostensibly received payment from the complainants on the pretext of sending their children abroad. Neither the needful was done nor the amount was refunded.

[3] On 20.5.2019, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 8.5.2019.

[4] The report dated 17.8.2019 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence. Further that there are five accused (petitioners herein) and they have not been declared as proclaimed offender.

[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 have decided to settle the issue and not to litigate any further. No useful purpose would be served by continuing with the trial and there is bleak chances of conviction. To meet the ends of justice, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

[8] The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

28th March, 2022

mk

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No