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

CRM-M-36182-2021

Decided on: 7th February, 2022

Gurwinder Singh

Petitioner

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ramandeep, Advocate for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

Mr. G.S. Bains, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

[1] Due to COVID-19 situation, the Court is convened through video conference.

[2] This petition under Section 482 Cr.P.C. is filed for quashing of FIR No. 179, dated 6th September, 2019, under Sections 384, 506 read with Section 34 IPC, registered at Police Station Sadar, District Patiala and all subsequent proceedings arising therefrom on the basis of compromise dated 25th June, 2021.

[3] The FIR was registered on the statement of Satwinder Singh (complainant/respondent No.2). He stated that he had dairy and was engaged in manufacturing of curd and cheese from milk.

Gurwinder Singh (petitioner) was the supplier of cheese who ostensibly received payment of Rs.50,000/- for helping in an FIR purportedly registered against the complainant on seizure of vehicle carrying adulterated cheese.

[4] During the pendency of the proceedings, the parties have compromised the matter, hence the present petition.

[5] On 3rd September, 2021 the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 25th June, 2021 and State was directed to file a reply.

[6] In pursuance to the order dated, 3rd September, 2021, report dated 16th November, 2021 of the trial Court and reply dated 5th February, 2022 of Deputy Superintendent of Police, Rural, Patiala have been received, same are taken on record. It is stated therein that accused has not been declared as proclaimed offender and compromise effected between the parties is genuine, voluntary and without any pressure or coercion.

[7] 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.”

[8] 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.

[9] The issue has tone and tenor of commercial transaction dispute which was given colour of criminal proceedings. The parties have settled their differences. No useful purpose would be served by continuing with the trial as there would be bleak chances of conviction. To meet the ends of justice, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

[10] The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

7th February, 2022

pankaj baweja

1. Whether speaking/ reasoned	:	Yes
2. Whether reportable	:	Yes