

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-32322 of 2020

Date of Decision: 5th April, 2022

Sukhwinder Singh @ Sukha and another

Petitioners

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Prashant Vashisth, Advocate for the petitioners.
Mr. K. S. Sidhu, DAG, Punjab.
Mr. Sukhwinder Chatrath, Advocate for respondents No. 2 & 3

AVNEESH JHINGAN, J (Oral):

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 64 dated 15.6.2018, under Sections 420 and 120-B IPC read with Section 24 of the Immigration Act, registered at Police Station Sherpur, Sangrur and all subsequent proceedings arising therefrom on the basis of compromise dated 28.8.2020.

The FIR was got registered by Karamjit Singh alleging that the petitioners had ostensibly received Rs.3,00,000/- on the pretext of sending his son abroad. Thereafter, fake ticket was sent on mobile The grievance was that the amount was not being returned.

On 12.10.2020, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 28.8.2020.

The report dated 19.11.2020 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence. Further that there are only 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. The complainant has received the amount back. No useful purpose would be served by continuing with the trial. 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

5th April, 2022
mk

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