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

CRM-M-37909-2021

Date of decision: 05.01.2022

Vijay Kumar and another

Petitioners

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Pardeep Kumar Kapila, Advocate for the petitioners.

Mr. Amit Mehta, Senior Deputy Advocate General, Punjab.

Mr. Vicky Sharma, Advocate for the respondent No. 2.

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. 47, dated 9th March, 2020, under Sections 384, 385, 389, 406, 506 and 120-B IPC, registered at Police Station City Abohar, District Fazilka and all other subsequent proceedings on the basis of compromise dated 19th May, 2021.

[3] The FIR was got registered by Ajay Kumar @ Goma against Vijay Kumar and Patel Kumar (petitioners). As per the allegations, the complainant had borrowed Rs. 85,000/- from the petitioners, they took

eight blank cheques as security. In spite of returning the entire amount, the cheques were not returned.

[4] The parties have compromised the matter with the intervention of respectables.

[5] On 27th September, 2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 19th May, 2021.

[6] The report dated 25th October, 2021 is received stating therein that none of the accused has been declared as proclaimed offender and the compromise is genuine, voluntary and without any coercion or undue influence.

[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 dispute, same has been resolved amicably with the intervention of the respectables. To meet the ends of justice, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

[10] The petition is allowed.

5th January, 2022
pankaj baweja

[AVNEESH JHINGAN]
JUDGE

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