

273 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-32903-2020
Date of Decision: 6th May, 2022

Kuldeep and others

Petitioners

Versus

State of Haryana and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. M.S. Santosh Bhardwaj, Advocate for
Mr. Partap Singh, Advocate for the petitioners.

Ms. Geeta Sharma, DAG, Haryana.

Mr. Vikash, Advocate for
Mr. Paramjeet Phor, Advocate for respondent No.2.

AVNEESH JHINGAN, J (Oral):

This petition is filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.179 dated 28.5.2020 under Sections 406 and 420 IPC and Section 24 of Immigration Act, 1983 registered at Police Station Division Indri, District Karnal and all subsequent proceedings on basis of compromise.

The brief facts are that the FIR was lodged at the instance of Rahul. As per the allegations the accused (petitioners) ostensibly received money on pretext of sending the complainant to United States of America (USA). Instead of sending the complainant by completing formalities, he was sent to California through illegal means, where he was arrested. The grievance was that

neither the needful was done nor the money was returned.

On 16.10.2020, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

Report dated 12.11.2020 received from Sub-Divisional Judicial Magistrate, Indri stating that the compromise was made voluntarily and without any pressure and it was effected with their free consent. Further, that none of them has been declared as proclaimed person.

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 pre dominant tone and tenor of commercial transaction. The parties have sorted out the issue and have decided not to litigate any further. There are bleak chances of conviction. No useful purpose would be served by continuing with the trial. To meet the end of justice, above mentioned FIR and all consequential proceedings

arising therefrom are quashed.

The petition is disposed of.

[AVNEESH JHINGAN]
JUDGE

6th May, 2022
anuradha

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No