

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-37242 of 2020

Date of Decision: 29.4.2022

Gurlal Chahal

Petitioner

Versus

State of Haryana and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Mohinder Singh Chahal, Advocate for the petitioner.
Ms. Geeta Sharma, DAG, Haryana.
Mr. H. N. Sahu, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 332, dated 20.8.2020, under Sections 406, 420 and 506 IPC, registered at Police Station Indri, District Karnaland all subsequent proceedings arising therefrom on the basis of compromise dated 22.9.2020.

The FIR was registered at the instance of Priyanka. As per the allegations, the petitioner duped the complainant of her hard earned money on the pretext of sending her abroad. Neither the needful was done nor the amount was refunded.

On 11.11.2020, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 22.9.2020.

The report dated 12.4.2021 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence and that there is only one accused.

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 grievance was that the money was not returned. 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. 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

29.4.2022

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