

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39008 of 2020

Date of Decision: 10th August, 2022

Neeraj Sharma and another

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Ms. Ishita Jain, Advocate for the petitioners.
Mr. Gurmeet Singh, AAG, Haryana.
Mr. Sandeep Sharma, Advocate for respondents No. 2 and 3.

AVNEESH JHINGAN , J.(Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.339 dated 1.8.2020, under Sections 420, 406, 506, 120-B IPC, registered at Police Station Rania, District Sirsa and all subsequent proceedings arising therefrom on the basis of compromise.

As per the FIR, the accused ostensibly received money from the complainant for sending their son to America. Instead, he was sent to Mexico. By putting pressure on the son of the complainant, he was made to make a phone call that he had reached America safely. He returned after three months and disclosed the facts to his parents.

On 25.11.2020, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

The report dated 16.12.2020 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence and that there is four accused (petitioners herein) and they have not been declared as proclaimed offender. The complainant and accused stated that the matter has been compromised with all the accused.

Learned counsel for respondents No. 2 and 3 submits that there were four accused but whereabouts of two accused are not known. The complainant is not pursuing the allegations against the other two co-accused also.

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 dispute has a pre-dominant tone and tenor of commercial transaction. The grievance was that the money was not returned. The parties have settled the differences and decided 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

10th August, 2022

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Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No