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

CRM-M-44867-2021

Decided on : 2nd February, 2022

Surinder Kumar @ Surender Kumar and others

Petitioners

Versus

State of Haryana and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Abhinav, Advocate for the petitioners.

Ms. Geeta Sharma, Deputy Advocate General, Haryana.

Mr. Mohinder, Advocate for the complainant.

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. 115, dated 20th February, 2020 under Sections 406, 420, 506, 34, 370 and 384 IPC and Section 24 of the Emigration Act, 1983, registered at Police Station Assandh, District Karnal and all subsequent proceedings arising therefrom on the basis of compromise.

[3] FIR was registered alleging that complainants were duped of their hard earned money. Ostensibly the money was received from the complainants for sending them abroad. During the pendency of the

trial, the parties settled the dispute amicably in the presence of respectables and entered into an compromise.

[4] On 29th October, 2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to the compromise.

[5] The report dated 26th November, 2021 is received from Sub-Divisional Judicial Magistrate stating that the compromise is genuine, voluntary, without any coercion or undue influence. Further, none of the accused has been declared as proclaimed offender.

[6] 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.”

[7] 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.

[8] The present dispute has a tone and tenor of commercial transaction. The parties have settled the differences with the

interference of respectables and are not inclined to litigate any further.

No useful purpose would be served by continuing with the trial as there would be bleak chances of conviction. To meet the ends of justice, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

[9] The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

2nd February, 2022
pankaj baweja

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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |