

## IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of Decision: 04.04.2022  
CRM-M No.42088 of 2019 (O&M)

1. Gurpreet Singh

..... Petitioner

V/s.

State of Punjab and Another

.....Respondents

CRM-M-41877 of 2019 (O&M)

2. Gurpreet Singh

..... Petitioner

V/s.

State of Punjab and Another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Ms. Manpreet Kaur, Advocate  
for the petitioner.

Mr. Prince Sharma, Advocate  
for the respondent No.2-complainant.

Mr. Sandeep Kumar, DAG, Punjab.

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**Avneesh Jhingan, J. (Oral)****CRM-M-42088-2019**

The petition has been filed seeking quashing of complaint no. 741 of 2017 dated 6.10.2017 on the basis of compromise.

Brief facts are that the petitioner had received an amount from the complainant on the pretext of sending his daughter abroad. On failure to do the needful, in discharge of the liability a cheque was issued. On presentation, the cheque was returned with the remark "Account Closed". After notice, the complaint under Section 138 of the Negotiable Instruments Act, 1881 was filed.

Vide order dated 1.10.2019, parties were directed to appear before the trial Court/ Illaqa Magistrate to get their statements recorded with regard to the compromise.

A report dated 25.11.2021 of Judicial Magistrate, First Class, Moga

has been received stating therein that the compromise is voluntary by free will.

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 complaint had a dominant tone and tenor of a commercial transaction. The parties have settled the dispute. There are bleak chances of conviction. To secure the ends of justice, the aforesaid complaint is quashed.

The petition is allowed.

### **CRM-M-41877-2019**

The present petition has been filed seeking quashing proclamation order dated 07.02.2019 in case of complaint no. 741 of 2017 dated 6.10.2017.

Learned counsel for the petitioner submits that the matter in the main complaint i.e. CRM-M-42088-2019, has been compromised. The main complaint has been quashed on the basis of the compromise.

In view of the above, the proclamation order dated 07.02.2019 in case of complaint no. 741 of 2017 dated 6.10.2017, is set aside.

The petition is allowed.

A photocopy of this order be placed on the file of the connected case.

**4<sup>th</sup> April, 2022**

Sonia Puri

**(AVNEESH JHINGAN)**  
**JUDGE**

|                           |         |
|---------------------------|---------|
| Whether Speaking/Reasoned | Yes/No  |
| Whether Reportable        | Yes/ No |