

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

CRM-M-52639 of 2021

DECIDED ON: 15th March, 2022

Vinnerpal Singh

.....PETITIONER

VERSUS

State of Punjab and another

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. R.S. Sidhu, Advocate for petitioner.

Mr. Sandeep Kumar, DAG Punjab.

Ms. Hanima Grewal, Advocate for respondent No.2.

AVNEESH JHINGAN, J (ORAL)

Due to COVID-19 situation, the Court is convened through video conference.

This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 112 dated 22.7.2021, under Sections 406, 420, 120-B IPC, registered at Police Station Bassi Pathana, District Fatehgarh Sahib and all subsequent proceedings arising therefrom on the basis of compromise.

2. The brief facts are that Bharat Bhushan Jindal got recorded FIR alleging that Vinnerpal Singh (petitioner) entered into an agreement, to sell a plot measuring 3 kanals for a consideration of Rs.11,64,000/- after getting it allotted from Punjab Wakf Board. The land was not allotted to the petitioner, the cheques issued for refund of amount were dishonoured and FIR was got registered.

3. The parties, with the intervention of respectables compromised the matter. On 16.12.2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

4. The report dated 18.2.2022 is received, the relevant part is as below:

“ 1. As per the statements suffered by the investigating officer SI Rajwant Singh as well as complainant Bharat Bhushan Jindal in this case, there is only one accused namely Vinnerpal Singh in this FIR.

2. As per the statements suffered by the Investigating Officer SI Rajwant Singh as well as complainant Bharat Bhushan Jindal in this case, no PO proceedings are pending in this case.

3. After going through the statements suffered by the parties, this court is of the view that a genuine and valid compromise has been effected between the parties which is without any pressure or undue influence of any manner upon either of the party.”

5. 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.”

6. 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.

7. The issue had a tone and tenor of civil dispute. The parties have bridged their differences and have decided to proceed ahead rather than indulging in litigation. No useful purpose would be served by continuing with the trial. To meet the ends of justice and considering that there are bleak chances of conviction, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

8. The petition is allowed.

15th March, 2022

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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>