

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-54284 of 2021

Date of Decision: 25.3.2022.

Daljeet Singh and another

Petitioners

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. A. K. Khunger, Advocate for the petitioners.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. Harpal Singh, Advocate for respondent No. 2.

AVNEESH JHINGAN, J (Oral):

1] The matter is taken up for hearing through video conference due to COVID-19 situation.

[2] This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 2 dated 2.1.2020, under Sections 420/406/506 IPC, registered at Police Station Bahawwala, District Fazilka on the basis of compromise dated 11.9.2021.

[3] The FIR was at the instance of Rajneesh Kumar. The dispute was with regard to execution of an agreement to sell of land measuring 22 kanals and 2 marlas. The bone of contention was that there was a loan against the land. Due to differences, neither the sale deed could be executed nor the money was returned.

[4] On 5.1.2022, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 11.9.2021.

[5] The report dated 25.2.2022 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence. Further that there are only two accused (petitioners herein) and they have not 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 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.

[9] The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

25.3.2022

mk

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